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STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
BOARD MEETING

JOE SERNA JR., CAL EPA BUILDING  
BYRON SHER AUDITORIUM  
1001 I STREET, SECOND FLOOR  
SACRAMENTO, CALIFORNIA

TUESDAY, DECEMBER 13, 2005

9:31 A.M.

Doris M. Bailey, CSR, RPR, CRR  
Certified Shorthand Reporter  
License Number 8751

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

A P P E A R A N C E S

BOARD MEMBERS PRESENT:

ROSARIO MARIN, Chair

ROSALIE MULE

CHERYL PEACE

GARY PETERSEN

CARL WASHINGTON

STAFF PRESENT:

MARK LEARY, Executive Director

MARIE CARTER, Chief Legal Counsel

JULIE NAUMAN, Chief Deputy Director

SUSAN KUMPULAINIEN, Board Assistant

JEANNINE BAKULICH, Board Secretary

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1 P R O C E E D I N G S

2 --oOo--

3 BOARD CHAIR MARIN: Well, I don't know where  
4 Mr. Washington is. Maybe if we start he will show up.  
5 We're going to start the Board meeting anyways, he  
6 should come momentarily.

7 I want to welcome all of you to our last Board  
8 meeting of 2005.

9 And before we actually start, would you please  
10 call the roll, Jeannine?

11 BOARD SECRETARY BAKULICH: Mule?

12 BOARD MEMBER MULE: Here.

13 BOARD SECRETARY BAKULICH: Peace?

14 BOARD MEMBER PEACE: Here.

15 BOARD SECRETARY BAKULICH: Petersen?

16 BOARD MEMBER PETERSEN: Here.

17 BOARD SECRETARY BAKULICH: Washington?

18 (Not present.)

19 BOARD SECRETARY BAKULICH: Marin?

20 BOARD CHAIR MARIN: I'm here. I know Mr.  
21 Washington was already here so -- he is walking in as we  
22 speak.

23 Thank you, Mr. Washington.

24 Then may I ask, Ms. Mule, if you would lead us  
25 into the Pledge of Allegiance?

1           (Thereupon the Pledge of Allegiance was  
2           recited.)

3           BOARD CHAIR MARIN: Thank you. We actually  
4 have a few things that are very, very important for us.  
5 They're not policy related, but they certainly have and  
6 will help us direct the policy of this Board.

7           And so the very, very first thing that we're  
8 going to do ceremoniously, we are going to fully welcome  
9 Mr. Gary Petersen, even though he has actually been  
10 serving as our Board member.

11           We are so pleased and so honored, and we're  
12 grateful to the Governor for having appointed such a  
13 high quality individual with an incredible amount of  
14 experience.

15           Jon, would you please repeat the name that, his  
16 name that, his actual name.

17           MR. MYERS: Gary I Recycle More Before 9:00  
18 a.m. Than Most People Do All Day Petersen.

19           BOARD CHAIR MARIN: That is really, that's your  
20 name, Gary. And too we want to welcome Sherry, his  
21 beautiful bride. Actually she's going to join us up  
22 here on the stage.

23           Because we have none other than our former  
24 secretary of Cal EPA, a very wonderful friend of Gary,  
25 to swear him in. And so we are delighted. We're very

1 thankful for you to make the time to come here, Terry.  
2 It's amazing that you're going to swear in your friend  
3 here. So we want to thank you very much for taking the  
4 time.

5 And without further -- would you like to join  
6 us here, Sherry?

7 And go ahead. You know, we don't have a mikes,  
8 so --

9 MR. TAMMINEN: I think we can probably use this  
10 one. First of all let me just say -- no, this is good,  
11 we can just stand right here.

12 First of all, let me say thank you for inviting  
13 me to do this. And I look forward to working with the  
14 Waste Board even more in the future than I have in the  
15 past. As cabinet secretary, many of you may know that  
16 as of January 1st Fred Aguiar, who is currently our  
17 Secretary of State and Consumer Services, will take over  
18 as the Governor's cabinet secretary, and the Governor  
19 has asked me to head up a new policy unit that he's  
20 created, and with a particular focus on energy and  
21 environment.

22 But where he will have a team of policy  
23 advisors to really dig deep in many of these areas that  
24 he cares deeply about, which obviously the environment  
25 and energy are key among them. And so he's asked me to

1 work on that team, and report directly to him, and make  
2 sure that we're all held accountable for the many  
3 wonderful goals we have for making California more  
4 environmentally friendly, more energy independent, and  
5 more self-sufficient.

6 And the Waste Board is an extremely important  
7 component of that, and so first of all I want to in  
8 advance thank you all for the great work that you are  
9 doing, have done, and I know will do on these issues.

10 And that's a perfect transition into my friend  
11 Gary Petersen who has spent a lifetime trying to figure  
12 out how to get more out of the resources that we have,  
13 and make our lives more sustainable in California.

14 And that's really the watch word, I think, of  
15 this Governor, in particular. His environmental agenda  
16 is recognizing that we have 36 million people, we're  
17 very rapidly growing, 560,000 more Californians every  
18 year, and that -- and that if we don't figure out how to  
19 live better, more sustainably, that future generations  
20 will not only curse our memory, but they probably won't  
21 be here to -- with any kind of quality of life that we  
22 currently enjoy.

23 So it really is important to have organizations  
24 like the Waste Board, thoughtful members like all of  
25 you, and your newest members figuring out the ways to

1 aim towards zero waste, to aim toward utilizing all of  
2 these things that we used to call trash, to figuring out  
3 how the waste industry and the various other areas that  
4 you work in can contribute to reducing the greenhouse  
5 gases and other problems that create climate problem and  
6 air quality problems and so forth.

7           So we really look forward to working with you  
8 in the future even more so than in the past.

9           And with that, let me have the honor of  
10 swearing in Gary. In keeping with traditions, when I  
11 used to do a lot of swearing in as secretary of Cal EPA,  
12 I want to give Gary the choice of -- in swearing him  
13 in -- putting his hand on the Constitution of  
14 California, the Constitution of the United States, or  
15 the complete works of William Shakespeare.

16           And I have all three.

17           BOARD MEMBER PETERSEN: You have all three?

18           MR. TAMMINEN: Yes, I --

19           BOARD MEMBER PETERSEN: Just stack 'em up.

20           MR. TAMMINEN: Very good. Very smart. A real  
21 politician.

22           (LAUGHTER.)

23           MR. TAMMINEN: Here they are. Actually,  
24 Sherry, why don't you come in the middle? So you need  
25 to hold the books.



1 BOARD MEMBER PETERSEN: I'll hold the books.

2 MR. TAMMINEN: No, she'll hold the books. You  
3 put your hand on there.

4 BOARD MEMBER PETERSEN: Which one, this one?

5 MR. TAMMINEN: You put your left hand there and  
6 raise your right hand. There we go, we'll get it right.

7 BOARD MEMBER PETERSEN: All right.

8 MR. TAMMINEN: Raise the right hand and repeat  
9 after me.

10 I, Gary Petersen.

11 BOARD MEMBER PETERSEN: I Gary Petersen.

12 MR. TAMMINEN: Do solemnly swear.

13 BOARD MEMBER PETERSEN: Do solemnly swear.

14 MR. TAMMINEN: That I will support and defend  
15 the Constitution of the United States.

16 BOARD MEMBER PETERSEN: I will support and  
17 defend the Constitution of the United States.

18 MR. TAMMINEN: And the Constitution of the  
19 State of California.

20 BOARD MEMBER PETERSEN: And the Constitution of  
21 the State of California.

22 MR. TAMMINEN: Against all enemies, foreign and  
23 domestic.

24 BOARD MEMBER PETERSEN: Against all enemies,  
25 foreign and domestic.

1 MR. TAMMINEN: That I will bear truth faith and  
2 allegiance to the Constitution of the United States.

3 BOARD MEMBER PETERSEN: I will bear truth faith  
4 and allegiance to the Constitution of the United States.

5 And the Constitution of California

6 MR. TAMMINEN: And the Constitution of  
7 California.

8 BOARD MEMBER PETERSEN: That I take this  
9 obligation freely.

10 MR. TAMMINEN: Without any mental reservation.

11 BOARD MEMBER PETERSEN: Without any mental  
12 reservation.

13 MR. TAMMINEN: Or purpose of evasion.

14 BOARD MEMBER PETERSEN: Or purpose of evasion.

15 MR. TAMMINEN: And that I will well and  
16 faithfully discharge the duties.

17 BOARD MEMBER PETERSEN: And that I will well  
18 and faithfully discharge the duties.

19 MR. TAMMINEN: Upon which I'm about to enter.

20 BOARD MEMBER PETERSEN: Upon which I'm about to  
21 enter.

22 MR. TAMMINEN: Congratulations.

23 BOARD MEMBER PETERSEN: Thank you.

24 (APPLAUSE.)

25 BOARD CHAIR MARIN: Let me get a picture with

1 all of us.

2 (Thereupon there was a discussion off the  
3 record.)

4 BOARD MEMBER PETERSEN: Are we done here?

5 BOARD CHAIR MARIN: We are done now with the  
6 swearing in?

7 Thank you, Gary, and welcome. I'm sure you'd  
8 like to share a couple of words.

9 BOARD MEMBER PETERSEN: Well, first of all,  
10 Terry, thanks, wherever he is. We're old friends from  
11 the battles in L.A. on clean water and recycling and  
12 environment now.

13 Thank you all for the reception and the  
14 kindness that you've extended towards me in making this  
15 as easy as possible.

16 I have a lot of energy, and sometimes I forget  
17 where I come from, and I get like, "Come here a second.  
18 You gotta do this and you gotta do that."

19 But anyway, I'm really looking forward to doing  
20 this. Recycling has been in my blood since I was a  
21 little kid, and the environment, because of my  
22 grandfather and my father and my mom.

23 And what I hope to do here is to help take the  
24 next step in recycling, in where we're going in resource  
25 conservation. Because we've got to the 50 percent,

1 there's a whole other 50 percent out there that we've  
2 got to deal with. And then be creative along the way to  
3 make that happen. And not afraid to push the envelope  
4 or to offend some ears.

5 So anyway, thank you very much everybody.

6 (APPLAUSE.)

7 BOARD CHAIR MARIN: Thank you very much.

8 Okay.

9 What we are -- actually what we're going to do  
10 now is have -- well, we don't have a resolution yet, but  
11 just as you are coming in we have a Board member leaving  
12 us. And so today will be -- I think will be the very  
13 last Board meeting of.

14 BOARD MEMBER WASHINGTON: Maybe.

15 BOARD CHAIR MARIN: Yeah, we don't know yet.

16 But should things happen as anticipated, today will be  
17 your last Board meeting, Mr. Washington. If it is not,  
18 then we will have this conversation later on.

19 But just in case, we want to thank you for  
20 everything that you have done. It's been an incredible  
21 four years for everybody that has known you and  
22 appreciates you. We're grateful for your dedication to  
23 the Board.

24 And we will have a resolution for you should  
25 this be your last Board meeting at the next Board

1 meeting. But we want to recognize you just in case this  
2 is his last Board meeting. We wanted to make sure that  
3 we thank you for everything that you have done.

4 BOARD MEMBER PEACE: Thank you.

5 BOARD CHAIR MARIN: Thank you. Well, and just  
6 as, you know, some people knew that Mr. Washington  
7 wasn't going to be here anymore, so they decided to  
8 leave as well.

9 No, that's not the case. But let me have a  
10 resolution.

11 Is Carroll here? There you are. Carroll. As  
12 most of you know, Carroll had been with us for a long  
13 time. My understanding is that she started here when  
14 she was a young little girl, and has decided to go onto  
15 bigger and better things.

16 We're very grateful for her long time of  
17 service at the Board as she was our legislative affairs  
18 director.

19 And we have a commendation for you, Carroll,  
20 that I would like to read. It's long, as your long time  
21 of service.

22 "Whereas Carroll Mortensen has  
23 resigned as Assistant Director for  
24 Legislation at the California  
25 Integrated Waste Management Board, and

1           having served with honor and  
2           distinction, now is the appropriate  
3           time to highlight her many  
4           achievements, and extend a special  
5           public recognition and commendations  
6           for her professional accomplishments.

7                 "And whereas Ms. Mortensen's work  
8           at the Board included all facets of  
9           waste reduction, promotion of the  
10          management of all materials to their  
11          highest and best use, protecting public  
12          health and safety, and preserving the  
13          environment;

14                "And whereas Ms. Mortensen's  
15          fourteen years with the Board began in  
16          1991, as she stood an assistant working  
17          on wood waste issues;

18                "And whereas Ms. Mortensen worked  
19          on the used oil program for eight  
20          years, advancing to Supervising  
21          Integrated Waste Management  
22          Specialist.

23                "And whereas Ms. Mortensen's  
24          creative thinking and enthusiasm for  
25          cars and the environment resulted in

1 the Board sponsoring a Winston West  
2 race car to promote rerefined oil and  
3 used oil recycling.

4 "And whereas Ms. Mortensen's career  
5 led her to the Board's legislative  
6 affair office in 2000.

7 "And whereas Ms. Mortensen's served  
8 as Acting Legislative Director for  
9 prior a year prior to being permanently  
10 installed in 2002.

11 "And whereas Ms. Mortensen has  
12 proven invaluable in directing the  
13 Board's legislative program on a broad  
14 range of issues, from E-waste to tires  
15 to environmental education, with a  
16 wonderful sense of humor and warmth  
17 that created an enjoyable working  
18 environment for all those she came in  
19 contact with.

20 "And whereas Ms. Mortensen served  
21 as confidant, advocate, and friend, not  
22 only to the Board, but to all staff  
23 members as well.

24 "And whereas Ms. Mortensen's  
25 commitment to the Board extended to the

1 health of all agency employees to whom  
2 she was instrumental in organizing the  
3 million stair march, and developing a  
4 team for the Bolvo Hearst Castle  
5 Challenge Bike Ride to raise funds for  
6 best buddies, while she participated at  
7 Cal EPA Bike to Work Days;

8 "And whereas Ms. Mortensen is  
9 leaving the Board to share her skills,  
10 experience, and much needed common  
11 sense with the legislature as chief  
12 consultant to the Assembly  
13 Environmental Safety and Toxic  
14 Materials Committee.

15 "And whereas Ms. Mortensen is  
16 exchanging her panoramic view of the  
17 Sierras for a view of a parking lot and  
18 light rail tracks, for which she finds  
19 no occupational parallel, symbolic or  
20 otherwise.

21 "Now, therefore, be it resolved by  
22 the California Integrated Waste  
23 Management Board, that Carroll Mortensen  
24 will be greatly missed by all who have  
25 worked with her. And we wish her all



1 the very best in her future."

2 Thank you, Carroll.

3 (APPLAUSE.)

4 (Thereupon there was a discussion off the  
5 record.)

6 MS. MORTENSEN: I knew I'd get to sit up here  
7 some day. This is good.

8 I wanted to thank you guys so much. I mean  
9 that was -- it deeply, deeply touches me. And this has  
10 been just the best experience I've had for the last  
11 fourteen years. It sure doesn't seem like it, because  
12 every day was -- well, almost every day was a joy.

13 And working with you guys, you are, you know,  
14 the best. And making the switch from, you know, program  
15 staff to legislation was something that, you know, kind  
16 of happened on a fluke. I didn't think, you know, it  
17 was something that would have proven to be so  
18 interesting and rewarding and exciting for me.

19 But, you know, I have to thank all of you guys  
20 because it sure made the job a lot easier. And  
21 especially I'd like to thank my staff of my legislative  
22 office; Elizabeth McMillan, in particular, who's  
23 stepping in and doing a fantastic job, I'm sure. And  
24 also with her experience working over at the Assembly,  
25 including working for Carol Migden which is something

1 that not many people can say and live to tell about it.

2 So --

3 BOARD MEMBER WASHINGTON: She's only one of the  
4 few that last.

5 MS. MORTENSEN: Yeah. So, you know, to my  
6 great support staff, and Pat and Ryan and Keir and  
7 Bendan and all my running buddies and all the friends  
8 that I've made here that I know are going to last a  
9 lifetime. And I look forward to working with you.

10 We've got a lot of work to still be done with  
11 this Board, and with protecting California's  
12 environment. And I look forward to working with you  
13 guys in the future on that.

14 So thank you very much. I'll miss you. I have  
15 to give everybody a hug.

16 BOARD CHAIR MARIN: You should know that I'm  
17 usually in Sacramento Monday, Tuesday, and Wednesdays.  
18 And oftentimes Carroll was the only person that was with  
19 me until 8:00 or 9:00 o'clock in the office. And I will  
20 miss you, Carroll, for that.

21 MS. MORTENSEN: Give me a call, I'm still just  
22 over there.

23 BOARD CHAIR MARIN: All right.

24 BOARD MEMBER PEACE: Carroll, I just wanted to  
25 say, whether it was a fluke or not, as leg director you

1 walked a tight rope between the legislature, the  
2 Governor's office, and the Board, and you did it  
3 beautifully.

4 I mean you were always -- you always knew what  
5 all the issues were. And no matter how busy you were,  
6 you always had a smile on your face, and you always had  
7 time to answer all of our questions.

8 Now we are losing a great leg director, and  
9 your shoes will be really hard to fill. And I feel like  
10 I'm losing a friend as well. And I really, really,  
11 really, really already miss you.

12 And I wish you all the best in your new  
13 position, I know you will do a great job.

14 MS. MORTENSEN: Thanks.

15 BOARD CHAIR MARIN: Yeah, I'm sure everybody  
16 will say something, so don't just leave, because  
17 everybody will have an opportunity to say something  
18 because we need to say hello and goodbye to everybody.

19 So the next person that also decided to leave  
20 since he found out that Carroll was also leaving is -- we  
21 have an exodus here. But we have fared him goodbye, but  
22 he is here because we needed to give him a resolution.

23 And even though his last Board meeting was in  
24 San Diego, we wanted to bring him back to give him the  
25 resolution. And I'm speaking of none other than Pat

1 Schiavo who was the director of -- the director? The  
2 Deputy Director for Planning and Local Planning.

3 So if I may, can I read this? No, go ahead.  
4 Okay. I know I had read one resolution for you at the  
5 other one. Oh, my God. Okay.

6 Well, this one is a -- it's a beautiful  
7 resolution from the California Legislature of the  
8 Assembly. And it is signed by the Honorable Fabian  
9 Nunez, the Speaker of the California State Assembly.

10 "Whereas Patrick Schiavo, Deputy  
11 Director for the California Integrated  
12 Waste Management Board, is retiring  
13 after a short 32 years of dedicated  
14 service with the State of California;

15 "And in recognition thereof he is  
16 deserving of the highest commendations  
17 and honors;

18 "And whereas beginning his career  
19 in the state service on June 11th, 1973  
20 at the Department of General Services,  
21 Patrick Schiavo subsequently served in  
22 a wide array -- in a wide range of  
23 positions in various offices within the  
24 state, including warehouse worker,  
25 management service technician, research

1 analyst, and recycling specialist, to  
2 name a few.

3 "And most of Pat's major  
4 accomplishments have been realized at  
5 the California Integrated Waste  
6 Management Board, with his  
7 contributions ensuring that local  
8 jurisdictions understood and ultimately  
9 met the initial goal of reducing waste  
10 by 25 percent in 1995, and laying the  
11 foundation for reaching and maintaining  
12 the 50 percent diversion goal.

13 "And whereas working tirelessly,  
14 and always with humor, on improving and  
15 streamlining the Board's processes and  
16 data management systems, Pat also  
17 improved the working relationships  
18 among the staff, local government,  
19 solid waste industry, and environmental  
20 community by bridging conflicting  
21 viewpoints to achieve positive and  
22 common sense outcomes.

23 "And whereas Pat was instrumental  
24 in implementing various pieces of  
25 legislation, including the SB 650

1 program that funded new and existing  
2 recycling centers throughout the state,  
3 and was the lynch-pin legislation that  
4 caused recycling to expand and flourish  
5 in California;

6 "And whereas the point person for  
7 the work that established the rigid  
8 plastic recycling program, Pat was also  
9 active in establishing the initial  
10 processing fee for the Beverage  
11 Container Recycling Act.

12 "And whereas Pat Schiavo has earned  
13 the respect of those individuals with  
14 whom he has been associated. And his  
15 outstanding work, dedication to  
16 developing California integrated waste  
17 management system, and commitment with  
18 advancing the goals and policies of the  
19 Board have left an indelible mark on  
20 the community and beyond.

21 "Now, therefore, resolved by the  
22 Speaker of the Assembly, Fabian Nunez,  
23 that Patrick Schiavo be commended on  
24 his long and distinguished record of  
25 professional service, and on his

1 outstanding display of civil  
2 leadership, and extended best wishes  
3 for a rewarding and gratifying  
4 retirement."

5 Here you go, Pat.

6 (APPLAUSE.)

7 MR. SCHIAVO: As Jon Cupps told me when I came  
8 in today, geez, you keep showing up like a bad penny.  
9 Kind of weird. Normally at this time of the morning I'm  
10 still in my sweats, so this is kind of a transition for  
11 me. I transitioned into the sweats pretty quickly.

12 I was having breakfast, it was last week, I was  
13 down in Southern California, and somebody asked me,  
14 "What was the biggest accomplishment that you ever  
15 experienced?" And right away, it took about a half a  
16 second, it was 939 and the 50 percent goal.

17 And reflecting, it wasn't just my  
18 accomplishment, I mean it's been everybody here as well  
19 as the local jurisdictions. But, you know, you think  
20 back fourteen years ago when the law was passed and  
21 everybody said, "50 percent, that's impossible."

22 In fact, 25 percent was considered to be a  
23 really, really tough goal. We got to 25, there's no way  
24 we're going to get to 50 percent. Probably later  
25 February of this year we're going to see we're going to

1 be above 50 percent, I'm sure, on the diversion rate.

2           You look at the infrastructure that existed in  
3 1990, there just wasn't much. And you look at today, I  
4 mean all the C&D facilities coming on line, the MRF's,  
5 all the recycling centers. You just expect to see  
6 recycling everywhere you go.

7           So, you know, it's just a testament to how well  
8 everybody here has worked, the local jurisdictions, the  
9 waste hauling community, the businesses. And you look  
10 at, you know, different state agencies, and how many  
11 people have formed the partnerships that we're able to  
12 do here.

13           So, you know, again, it's just terrific how  
14 well everybody here has done, and I'm glad to be a part  
15 of it.

16           So thanks for everything. Thanks for the, you  
17 know, the resolutions, and thanks for all the good  
18 years.

19           BOARD CHAIR MARIN: Thank you, Pat. No more.  
20 No more retirements, okay. No more departures. That's  
21 it. And I know you were fired yesterday, both of you,  
22 but we take that back, so --

23           Now we're going to go into recognizing an  
24 incredible project that we worked with Sunset Magazine  
25 and the Clarum Homes and the city of Menlo Park for a



1 project that they had of a sustainable home project.

2 And I am going to call upon Greg Dick from our  
3 staff to show us some of the great work that these homes  
4 have.

5 And Mr. Washington and I were very lucky to go  
6 and visit these homes.

7 So please walk us through what these homes  
8 are.

9 MR. DICK: Okay. I'll give you a very brief  
10 overview. I'm Greg Dick for the sustainable building  
11 program.

12 And in 2003 -- maybe even 2002 -- we talked  
13 about an idea house being green, and I called Sunset  
14 Magazine and they liked the idea. And it didn't work  
15 out that year. And we called 'em back a year later, and  
16 we had a builder who wanted to participate, and we've  
17 moved forward from there.

18 If you're familiar with Sunset, for over a  
19 hundred years they've been promoting the West as the  
20 ideal place to live. And now they're promoting the West  
21 as a sustainable place to live by embracing the idea  
22 house.

23 We partnered with Clarum Homes, it's a family  
24 run business out of Menlo Park. They've adopted  
25 sustainability as part of their business plan. They see

1 that it's the way to do it, it's the right thing to do.

2 And when we asked 'em about adding green  
3 features, they never flinched, they always said, "Yeah,  
4 we are can do that, or we can try." So which -- coming  
5 from the sustainable building program, that's unheard  
6 of.

7 There was many partners involved, Sunset and  
8 Clarum, the city of Menlo Park, the county of San Mateo  
9 Recycle Works Program, the Waste Board staff provided  
10 technical assistance where we could. And I'd like to  
11 take this moment just to thank Kathy Frieever. She had  
12 the lead on this at the beginning, and I think without  
13 her it wouldn't have moved forward and it wouldn't have  
14 been as successful as it was. And I don't want that to  
15 go without being said.

16 Other partners, HLD was the landscape  
17 architects, Pamela Pennington, EI, and members of the  
18 California Sustainable Task Force for adding value on  
19 indoor air quality and energy conservation.

20 Some of the goals of this project were educate,  
21 demonstrate, and inspire. And if you can see this  
22 slide, this is Tom Marshall, he's publisher of Sunset  
23 Magazine, he's educating and demonstrating to a couple  
24 of random people at the open house.

25 A little background. The house is, it's two

1 side by side houses. They're both less than 2,000  
2 square feet. So that's smaller than the average new  
3 home today. They're designated as affordable by the  
4 city of Menlo Park. And the 47 units have been  
5 dedicated to teacher housing for teachers in Menlo Park.

6           There's some firsts involved with this  
7 project. This is Sunset's first green idea house. This  
8 is the first time they've built two houses. I think  
9 it's the first time they've used production houses.  
10 It's the first time they've used affordable housing.  
11 And it's the first time they've featured the idea house  
12 in two separate issues, the first being October, where  
13 they highlighted some of the green features, and then  
14 the current December issue where you see a lot of the  
15 really pretty finishes and the artistic side of it.

16           I think the highlight of this project is the  
17 C&D diversion. Clarum Homes embraced C&D diversion so  
18 much that he bought this machine, this packer. And they  
19 achieved 90 percent diversion, and were able to use over  
20 80 percent on site, including using it for mulch, you  
21 know, landscape. Using the waddles. They bought  
22 reusable waddle bags, and they use it for walk on areas  
23 around their trailer on the construction site for muddy  
24 times.

25           There was two houses. The first is a

1 demonstration house that had cut-aways and was to  
2 educate.

3           Here you can see a couple of the displays where  
4 they highlight alternative insulations. There's a worm  
5 bin in the garden. And some recycled content tiles that  
6 they're highlighting.

7           The other house was a more traditional idea  
8 house, fully finished, interior designed. All -- the  
9 beautiful aspect of it. You can see some of the designs  
10 in that, featured in that house. Recycled content  
11 flooring or environmentally preferable flooring. Low  
12 VOC paints. A healthier, more sustainable environment.

13           Of course, it wouldn't be Sunset if it didn't  
14 have beautiful landscapes. They've, you know, permeable  
15 paving, recyclable mulch. Even tried synthetic lawn  
16 just to see how it would look, and just trying to push  
17 the envelope, trying to get the ideas out there, get  
18 people to think, get people to want to build and buy  
19 recycled products and do the right things.

20           The houses are currently open until January  
21 22nd, Fridays, Saturdays, and Sundays. And I would  
22 encourage anyone to go out there and take a look. We're  
23 really proud of it.

24           And I would like to thank everybody involved  
25 personally for making this project so successful.

1           BOARD CHAIR MARIN: No, thank you, Greg. You  
2 know, it's -- we're very proud that you were so heavily  
3 involved and make the entire Board really, really proud.

4           I want to call on Shannon Thompson from Sunset  
5 Magazine. I'm going to thank you for that vision, that  
6 willingness to partner with us, along with Menlo Park  
7 and -- the city of Menlo Park and Clarum Homes.

8           We have a resolution for all three of you, but  
9 let me just read the one for Sunset Magazine.

10           "Honoring Sunset Magazine, whereas  
11 sustainable design or building green is  
12 an opportunity to use resources  
13 efficiently while creating healthier  
14 buildings and homes;

15           "And whereas landfill diversion  
16 improved indoor air quality, and  
17 lighting and energy and water savings  
18 are just some of the benefits realized  
19 by building with environmental  
20 sustainability in mind;

21           "And whereas the studies indicate  
22 green buildings cost less to operate  
23 and help improve human health and  
24 productivity, and planning and  
25 designing for sustainability also makes

1           the best use of our natural resources  
2           and moves California closer to a zero  
3           waste future;

4                 "And whereas the city of Menlo Park  
5           and San Mateo County has joined in  
6           partnership with Sunset Publishing,  
7           Sunset Magazine, Clarum Homes, and the  
8           California Integrated Waste Management  
9           Board to create a 47 unit development  
10          of green built homes in Menlo Park;

11                "And whereas since nineteen -- I'm  
12          sorry. Since 1898 Sunset Magazine has  
13          been a champion of and has described  
14          the benefits and virtues of life in the  
15          West;

16                "And whereas Clarum Homes has  
17          committed to building production homes  
18          that feature numerous green features  
19          and products, while at the same time  
20          dispelling the myth that sustainable  
21          building is too costly and only  
22          appropriate for the custom home market;

23                "And whereas the city of Menlo Park  
24          recognizes that by integrating  
25          sustainable building, affordable

1           housing, and in fill development helps  
2           the city meet its AB 939 diversion  
3           goals.

4                 "And whereas this Hamilton Park  
5           single family homes are being  
6           constructed with numerous recycled  
7           content building materials, kitchen  
8           equipped with convenient recycling  
9           options, tankless water heaters, dual  
10          flush toilets, and moisture sensors  
11          with drought tolerant native  
12          landscaping, to name just a few  
13          features;

14                "And whereas affordable homes for  
15          teachers are important to every  
16          California city, and educators will  
17          receive purchasing preference during  
18          sales of the green built homes;

19                "And whereas 90 percent of the  
20          construction and demolition waste  
21          generated during the building phase of  
22          the first Sunset Idea Homes at Hamilton  
23          Park is being recycled and diverted  
24          away from landfill disposals, while 80  
25          percent of these materials have

1           actually been reused on site as  
2           landscaping, mulch, and soil  
3           amendment.

4           "And whereas construction and  
5           demolition debris accounts for 22  
6           percent of California's overall waste  
7           stream, representing an important part  
8           of what cities and counties throughout  
9           the state are working to address as  
10          they meet California's mandate to keep  
11          50 percent of waste out of our  
12          landfills.

13          "Now, therefore, be it resolved  
14          that the California Integrated Waste  
15          Management Board is honored to commend  
16          the outstanding accomplishments of  
17          Sunset Publishing, Sunset Magazine, the  
18          City of Menlo Park and Clarum Homes for  
19          leadership in demonstrating that green  
20          built Idea Homes can provide  
21          environmental friendly housing choices,  
22          protect California's valuable  
23          resources, and maintain affordability  
24          for teachers and all Californians."  
25          And that's from all of us to you.



1 MS. THOMPSON: Thank you very much. And I'd  
2 like to thank the Board for supporting Sunset Magazine,  
3 Clarum Homes, and the City of Menlo Park in our goal of  
4 bringing green building and sustainable living to the  
5 masses.

6 So thank you for your support.

7 BOARD MEMBER PETERSEN: Thank you. All right.

8 We only have five more presentations and that  
9 will be it.

10 (LAUGHTER.)

11 BOARD CHAIR MARIN: No, that's it. Thank you  
12 so very much.

13 Roni is like, "Do I have to stay for more?"  
14 No, that's enough presentations today.

15 MS. JAVA: I do have to bring Pat back in when  
16 you take a break.

17 BOARD CHAIR MARIN: Is he here?

18 MS. JAVA: Yes, he's here, he's waiting.

19 BOARD CHAIR MARIN: Okay. So bring him back.

20 MS. JAVA: Okay

21 BOARD MEMBER WASHINGTON: Madam Chair, while  
22 we're waiting for Pat, let me say that it was a -- and I  
23 said it before but I want to reiterate it again. It was  
24 an excellent project. And to see that Menlo Park is  
25 partnershiping with teachers down in that area is

1 absolutely phenomenal.

2           We had hundreds and hundreds of teachers there  
3 looking, and you can tell that they're ready to jump  
4 whenever someone says let's do it. They're looking at  
5 building, I believe was it 34, it's about 30 something  
6 homes they're going to put on the entire lot. So there  
7 are a number of teachers who can benefit from it, so  
8 it's an excellent idea and an excellent opportunity for  
9 teachers who are very important to our children to be  
10 participating in this project.

11           So I want to thank you again.

12           BOARD CHAIR MARIN: I know you wanted to buy  
13 the home right there and then.

14           BOARD MEMBER WASHINGTON: Well I tried to and  
15 they told us to go home.

16           BOARD CHAIR MARIN: Well, you know, the great  
17 thing is that it was for teachers, so just in case the  
18 Senate deal doesn't work out, you can always be a  
19 teacher.

20           BOARD MEMBER WASHINGTON: I'll be a teacher.

21           BOARD CHAIR MARIN: For those of you who that  
22 have never come to one of the Board meetings, this  
23 really is unusual, we don't have that very many  
24 resolutions and wonderful things, but it's important  
25 that we celebrate.

1           So thank you again to all of the people that  
2 got one of the resolutions from us.

3           Well, now it's reports from our Board members.  
4 And let me please call upon Ms. Mule.

5           You had a pretty busy day -- pretty busy day?  
6 Pretty busy month.

7           COMMITTEE MEMBER MULE: Yes, Madam Chair.  
8 Thank you very much. I just want to mention some of the  
9 events and meetings and tours that I've been on.

10          I joined the rest of the Board at the Assembly  
11 Natural Resources hearing on conversation technologies  
12 on November 16th.

13          And then on November 21st I had an opportunity  
14 to go to Board Member Petersen's hometown of Santa  
15 Barbara, to go and visit a very unique facility called  
16 Art From Scrap.

17          And just amazing. This facility takes in  
18 material that -- all the material that comes in would  
19 have been disposed of in the landfill, and it's all  
20 kinds of material that people use to create art. And it  
21 truly is an amazing facility and very impressive.

22          And then also I had an opportunity to lecture  
23 UC Santa Barbara solid waste -- not a committee -- the  
24 class that our former Board member Paul Relis teaches.  
25 And discussed not only conversion technologies, but I

1 just went off and talked about all kinds of things;  
2 talked about 939, and just talked about -- talked about  
3 careers in the solid waste industry, and they thought I  
4 was kind of crazy. But it was really quite enjoyable.  
5 And really very refreshing to see these young people  
6 that are so interested in environmental issues, and are  
7 looking at a career path. And so it was very enjoyable  
8 to do that.

9 And then on November 29th I had an opportunity  
10 to attend our AB 1497 regulation workshop. And I just  
11 want to congratulate Howard and his staff on the process  
12 that you're using. The stakeholder input processes is  
13 just second to none in terms of pulling together the  
14 LEA's, the operators, the haulers, our Board staff,  
15 sitting around the table together and discussing  
16 issues. It was just a really, a very, very good  
17 process, and so I just want to thank you.

18 On December 1st I provided the opening remarks  
19 for the RAC users seminar here in the California EPA  
20 building. And my comment on that is that I had no idea  
21 we had people from all over the country here, from  
22 Florida, from Texas, from Arizona, to share their  
23 experience with RAC.

24 And also, this seminar was sponsored by  
25 Caltrans. And what was interesting was, again, to find

1 out how much Caltrans is using RAC. I mean they are  
2 doing a lot of RAC projects, we just want them to do  
3 more. But they're really doing a good job.

4 Then on December 1st and 2nd I had an -- the  
5 opportunity to present two WRAP of the Year awards. One  
6 was to Buyers Leaf Guard Gutter Systems in Grass Valley.  
7 And the second one was the Trincherro Family Estates  
8 Winery in St. Helena.

9 And the thing about both of those was both  
10 award recipients; number one, were very appreciative of  
11 the award. They just were very, very appreciative. But  
12 also they both stated that what they're doing is not  
13 enough, and they want to do more. And they're  
14 constantly looking at ways to provide greater diversion,  
15 greater resource recovery.

16 And again I told 'em, I said, "If everybody had  
17 your attitude, you know, we would be at zero waste."  
18 And so it was very, very refreshing to be around people  
19 like that that had that positive attitude, that can-do  
20 attitude, the attitude of let's push the envelope and do  
21 as much as we can.

22 Then on December 8th I was on honored with an  
23 award from the Los Angeles County Disposal Association  
24 and -- for my work not only with the Board but in the  
25 solid waste industry. And honestly, I just accepted on

1 behalf of the entire Board because really we -- we're  
2 all doing a lot of good work here. So it was quite an  
3 honor to have that.

4           And then on December 9th I toured the Computer  
5 Recycling of America's facility in Chula Vista. And if  
6 there is a great example of a facility that knows what  
7 they're doing with E-recycling, it is this facility.  
8 They have an incredible tracking system where every  
9 single pallet of material is tracked. They know what  
10 every worker is doing, they know every monitor that's  
11 disassembled. It's truly, truly incredible. They're  
12 doing over 800,000 pounds a year -- or a month of  
13 California CRT's. They're pulling in over 1.5 million  
14 tons -- or pounds a month of CRT's from other states as  
15 well. So a very impressive facility.

16           And with that, that concludes my report. Thank  
17 you.

18           BOARD CHAIR MARIN: Thank you, Ms. Mule. It's  
19 always nice when recognition is given to someone who  
20 deserves it, and I don't think anybody else deserved  
21 that recognition more than you. So you make us proud.

22           Okay. Ms. Peace.

23           BOARD MEMBER PEACE: Okay. Also on November  
24 16th, along with all the other Board members, I attended  
25 the legislative hearings in Los Angeles on conversion

1 technologies.

2 I also met in Southern California with our  
3 Southern California RAC tech center representatives.  
4 They gave me an update on their activities, and what  
5 they are -- what they see their role as in relation to  
6 the Mac Tech and the Ogilvy's contracts.

7 And then after Thanksgiving I took a week's  
8 vacation to attend the Pacific Policy and Research  
9 Foundation conference with my husband. It was in  
10 Hawaii, so that was really tough. But there were quite  
11 a few legislators there. And there were some  
12 interesting forums which included discussions on  
13 disaster preparedness for the state, the effect of the  
14 alternative minimum tax on us Californians, and how the  
15 big box stores like Wal-Mart are impacting our  
16 California economy.

17 And even though these aren't waste related  
18 issues, they are important issues to all of us  
19 Californians, and we should all be in tune to those  
20 issues.

21 And that concludes my report.

22 BOARD CHAIR MARIN: Thank you, Ms. Peace.

23 Mr. Gary Petersen.

24 BOARD MEMBER PETERSEN: Thank you, Madam Chair.

25 Well I was at the same natural resources

1 committee in L.A. city hall which I found very  
2 interesting.

3 I've been busy since November 7th trying just  
4 to figure out how to get around the building. And I  
5 have been meeting with the excellent program and Board  
6 administrators. The staff here are amazing.

7 I am -- I've got to tell you, this is really  
8 neat stuff, what the Board is doing, and the staff are  
9 just unbelievable. And I'm learning a lot. You know,  
10 I'm a recycler, I figured, you know, I was in the  
11 street. No, I'm learning a lot. And so it's great to  
12 work with, you know, people like Howard. I know  
13 Howard's brother, so -- never mind, it's not part of my  
14 report.

15 (LAUGHTER.)

16 BOARD MEMBER PETERSEN: Anyway, then I spent a  
17 lot of time figuring out what's going on with the  
18 plastics bag issue and plastics in general. And I've  
19 been poking around and figuring out who's doing what,  
20 and where it's happening, and how we might work together  
21 which I'll talk about later.

22 And I'm really looking forward to getting out  
23 and looking around to see what else is going on in the  
24 state, the site visits to the different facilities and  
25 programs are out there.



1           And I had a very interesting meeting with one  
2 of our WRAP Award winners this year, his name is Walter  
3 Claudio, and he's in the beauty business. And this was  
4 really something because he asked me about this one --  
5 and he lives in Santa Barbara, his salon is in Santa  
6 Barbara.

7           And what I found out was that he was looking at  
8 this thing. He's really into the environment. You walk  
9 into the place, you sneeze, they hand you Kleenex before  
10 you sneeze. I mean it's just amazing the way he runs  
11 this place.

12           And everything -- there's recycling everywhere,  
13 everybody has to do source reduction. But the most  
14 incredible thing is he came up this computer program to  
15 source reduce dyes for hair, women and men. So you only  
16 use a certain amount that you need, and he called it  
17 head mapping. And I'm going woah.

18           So he showed me how this all worked. And I'm  
19 going, "I'm going to save a hundred thousand dollars a  
20 month just on reducing my dyes and stuff by doing head  
21 mapping, because you only need to do so much."

22           And I'm going, "Walter, this is amazing."

23           And then he said -- you know, he's an Aveda  
24 guy, he's an Aveda distributor. So he went to Aveda and  
25 told them what he was doing.

1           Aveda is in the process of adopting this  
2 nationally. Now you're talking one salon at \$100,000 a  
3 month, think about the toxics that are going down the  
4 drain.

5           So I said, "Walter, keep me posted about what  
6 you're doing here and if Aveda adopts this. It's just  
7 an incredible program."

8           It just tells you, you know, we think we're  
9 doing bottles and cans and the paper, well here comes a  
10 hair guy. This is what we do here to stimulate the  
11 thought process and the enthusiasm out there. So it's  
12 really kind of fun.

13           That's my report.

14           BOARD CHAIR MARIN: Thank you. So Gary, if we  
15 all the sudden begin to see a different color in your  
16 hair --

17           BOARD MEMBER PETERSEN: Yeah, I'm going to go  
18 silver.

19           (LAUGHTER.)

20           BOARD CHAIR MARIN: Of course none of us here  
21 know what your friend does, you know, about hair  
22 coloring and things like that, we don't know what that  
23 is.

24           Mr. Washington -- hopefully, or not hopefully,  
25 I don't know -- your last report. .

1           BOARD MEMBER PEACE: Thank you, Madam Chair.

2           Let me -- first of all, when we were giving the  
3 resolution to Pat, I just wanted to say at the executive  
4 level one of the most important things a person has to  
5 have in leadership is you have to be competent.

6           And when I came to this Board and I met Pat, as  
7 well as a number of our executive folks, the first thing  
8 that I noticed was that Pat was very competent. You  
9 asked a question, you got an answer. And it was pretty  
10 much in line with being the true information that you're  
11 looking for.

12          And when you sit on boards and you work with  
13 executive teams and things like that, you look for folks  
14 who have some competency. And to find that in Pat was  
15 extremely refreshing, especially dealing with the local  
16 governments, understanding local governments, trying to  
17 make sure. It's very difficult to try to help people at  
18 the same time you punish people. That's a very  
19 difficult task to do.

20          And Pat has the team that has to go out and try  
21 to help these cities come under compliance with all  
22 sorts of stuff, and then at the same time we say, "Hey,  
23 Pat, make sure you work with them to help them get  
24 there. Punish them and help them get here."

25          And I've said it ever since I've been on this

1 Board, and Madam Chair came on and started saying the  
2 same thing, "Hey, we'll come out and help you guys, but  
3 in the meantime you going to pay us \$5,000 a day." And  
4 to have cities come up -- I had to watch this whole  
5 process. To have cities that come up and say, "You know  
6 what, Board, thank you very much. Thank you for  
7 punishing us, and thank you at the same time for going  
8 to help us."

9           It takes a good leader to be able to do that,  
10 and to have the kind of team around the State of  
11 California that we don't see every day or that we don't  
12 see like we see many of you here in this building doing  
13 the job that we have to totally depend on them to do.  
14 And from his leadership here across the state it takes a  
15 lot of work.

16           And I met folks up and down the state who Pat  
17 is supervising and working with, and I tell you, they  
18 are competent staff. They're out there doing their  
19 jobs.

20           And so, you know, I am very, very proud to have  
21 presented that resolution to Pat for his work and for  
22 what he's done. As well as all the staff in this  
23 building are very competent. But the leadership really  
24 helps the organization move forward when you have good  
25 people.

1           And I'm only speaking -- I see all the exec  
2 team looking at me like, "What you trying to say?" All  
3 I'm saying is I'm talking about Pat.

4           (LAUGHTER.)

5           BOARD MEMBER WASHINGTON: If the time come, I  
6 get to say something about you likewise. But I do -- I  
7 really did appreciate working with Pat around the State  
8 of California with the local governments. Because some  
9 of those councils, and I won't continue to emphasize on  
10 them, but those local governments where they are they  
11 own kings and queens in their city, they don't want you  
12 coming in and telling them what to do and what they have  
13 to do. And to work through a lot of that with local  
14 governments with those mayors and councils, I just have  
15 to say that, Madam Chair and members, it's tough. And I  
16 appreciate it.

17           I only have a couple of things to report. I  
18 too attended the Natural Resource Committee, the  
19 Assembly Natural Resource Committee meeting down in L.A.  
20 which was very informative.

21           Madam Chair did an excellent job.  
22 Councilmember Greg Smith spoke about your presentation,  
23 about how he was very impressed with what you had to say  
24 about conversion technology. And members who were up in  
25 their offices listening in, I talked to a couple of 'em,

1 including my former colleague Herb Wesson who was  
2 listening in on the committee, and he eventually came  
3 down to say hi to a couple of the Assemblymembers. It  
4 was pretty refreshing to see.

5           And we had all our Board members there. I  
6 think that needs to be clear that we were all at this  
7 meeting down in L.A. city hall to make sure they  
8 understand we're very concerned and we're serious about  
9 conversion technology and where the State of California  
10 is going with conversion technology. So I was very  
11 happy to see all of us there participating.

12           I too met with the L.A. County RAC folks who  
13 they really believed were doing an excellent job, and I  
14 do too think that they're doing a great job down in L.A.  
15 County with the RAC program. And hopefully we can find  
16 some kind of way to keep them involved at whatever level  
17 of working with the Board in a partnership.

18           And that will conclude my report, Madam Chair.

19           BOARD CHAIR MARIN: Thank you, Mr. Washington.

20           And just to conclude, I think I need to really  
21 thank Fernando and Elliot and everybody that put  
22 together the presentation for the hearing. You know,  
23 I'm only as good as the staff that supports us. The  
24 Board is only as good as the staff that support us. And  
25 I know there was, I think, ten people involved. I can't

1 name all of them, but at least ten people putting  
2 together the presentation.

3           And I tell you, the Assembly listened very  
4 carefully. And the fact that all five of us were there  
5 I think sent a very clear message to the Assembly and  
6 certainly Senator Margett was there as well, that we  
7 are -- as Mr. Washington said -- not just concerned, but  
8 we are committed to ensuring that California is able to  
9 explore the availability and desirability of meeting the  
10 needs and the challenges of the future.

11           So with that let me just share -- I went to  
12 Israel on a personal trip. And here I'm in the Holy  
13 Land, and things that I'm looking for is recycling  
14 activities, you know.

15           In Israel they have -- they don't necessarily  
16 have the systems that we have here, but they have a  
17 program in some areas of some cities. They have boxes,  
18 if you will, and people, you know, just there as they  
19 use them, they have the bottles and the cans in this  
20 racks. They are actually racks.

21           And, you know, it is to me -- was really  
22 amazing. Because we would be on the bus, and you would  
23 see this huge racks on the corner of where homes are or  
24 condominiums or whatever, and they're outside on the  
25 sidewalk. And you just see people putting in their used

1 plastic bottles and cans.

2 And I thought that was amazing. It's  
3 primitive, if you will, but the fact that they are doing  
4 it, it's -- was really amazing.

5 And then, of course, we flew into Frankfurt,  
6 and what is it that I looked at is the recycling that  
7 takes place at that airport. They have big -- the three  
8 bins, if you will. And people use it.

9 And I, you know, we're one of this -- I think  
10 in March we're going to be going to Germany to explore  
11 what is happening over there. But I thought it was very  
12 telling that even at the airport the city of Frankfurt  
13 is recycling heavily, heavily. And as many of you may  
14 know, Frankfurt is one of those airports that is heavily  
15 transited, heavily used to go in from America into  
16 Europe. So that was pretty amazing.

17 And I'm thinking, wow, maybe this was also part  
18 of the exploration of recycling, and that's part of my  
19 life as well. Gary, you're not the only one now that  
20 lives and breathes recycling.

21 Anyways, with that and the fact that this is  
22 our last Board meeting of the year, Mr. Leary, you have  
23 a special report? Small.

24 EXECUTIVE DIRECTOR LEARY: I don't --

25 BOARD CHAIR MARIN: You're not fired.



1 EXECUTIVE DIRECTOR LEARY: Thank you, Madam

2 Chair. Good morning, Madam Chair and members.

3 Actually I have a very brief and not very  
4 special report. In the interest of time and because of  
5 the sensitivity of my bruised ego of yesterday's very  
6 public admonishment of some of my best work, I have an  
7 Emergency Waiver to report on for the Sycamore Landfill,  
8 just very briefly.

9 On November 19th a significant fire started at  
10 the Edco Station in La Mesa and burned for approximately  
11 twelve hours. It was declared a second alarm which  
12 involved systems from a number of neighboring agencies  
13 and jurisdictions. Occupants of neighboring businesses  
14 were directed to stay in place. Heavy smoke, local  
15 streets closed.

16 In order to distinguish the burning  
17 waste they had to extract it from the facility, take it  
18 out into the parking lot, extinguish it, and then  
19 relocate it to trailer trucks.

20 The incident commander directed Edco's  
21 management to dispose of all the extinguished debris  
22 immediately.

23 The disposal activities continued for -- till  
24 about 4:15 on Saturday the 19th.

25 Well, Sycamore Landfill is the closest class

1 III landfill, and its permitted hours are only from 6:00  
2 to 4:00 on Saturdays.

3 So, as a result, the operator of Sycamore  
4 requested at first verbally, and then later in writing,  
5 an Emergency Waiver to extend their weekend hours for  
6 just one hour on November 19th.

7 The LEA determined that the declaration of the  
8 city of La Mesa's fire chief met the requirements of the  
9 emergency, and granted the requested Emergency Waiver to  
10 allow the facility to operate from 6:00 a.m. to 5:00  
11 p.m. on that day only.

12 And with that, Madam Chair, I conclude my  
13 report.

14 BOARD CHAIR MARIN: Well, thank you. And this  
15 is the time of public comment. Just if anybody wishes  
16 to address the Board on items not in the agenda, this  
17 will be the time to do so. And I don't think we've had  
18 anybody that wanted to address the Board? Perfect.

19 We will move quickly to the consent agenda.  
20 Let me just make a rundown of the entire agenda so that  
21 we move rather quickly here.

22 Item number two revised, five, twelve,  
23 thirteen, and fourteen will be on the consent agenda,  
24 and we will deal with them as soon as I finish this  
25 report.

1           Items nine -- I'm sorry -- six, nine, fifteen  
2 revised, sixteen revised, and seventeen revised are on  
3 the fiscal consent.

4           Items seven, ten, and nineteen were heard in  
5 committee only and will not be heard here.

6           Items three, four, eight, and eighteen have  
7 been pulled, and we will not be hearing them today.

8           And so that will only leave item one, 11, 20,  
9 and 21 revised that will be heard by the full Board.

10          Let me -- on the consent agenda, items two  
11 revised, five, twelve, thirteen, and fourteen.

12          First of all, do we -- is there -- is there --  
13 does anybody wish to pull any items from the consent  
14 agenda?

15          BOARD MEMBER WASHINGTON: Yeah, Madam Chair.  
16 Item thirteen, I'd like to remove it from the consent,  
17 but to remain as a consent item, just so I can abstain  
18 from voting on this item for reasons that I recorded in  
19 committee on this particular item.

20          BOARD CHAIR MARIN: Okay.

21          COMMITTEE MEMBER MULE: Move approval.

22          BOARD MEMBER PEACE: Second.

23          BOARD CHAIR MARIN: Moved by Ms. Mule and  
24 second by Ms. Peace.

25          Please call the roll.

1 BOARD SECRETARY BAKULICH: Mule?  
2 BOARD MEMBER MULE: Aye.  
3 BOARD SECRETARY BAKULICH: Peace?  
4 BOARD MEMBER PEACE: Aye.  
5 BOARD SECRETARY BAKULICH: Petersen?  
6 BOARD MEMBER PETERSEN: Aye.  
7 BOARD SECRETARY BAKULICH: Washington?  
8 BOARD MEMBER WASHINGTON: Aye.  
9 BOARD SECRETARY BAKULICH: Marin?  
10 BOARD CHAIR MARIN: Aye. Okay. Now we're  
11 going to vote on item thirteen, consent item.  
12 Please call the roll.  
13 BOARD SECRETARY BAKULICH: Mule?  
14 BOARD MEMBER MULE: Aye.  
15 BOARD SECRETARY BAKULICH: Peace?  
16 BOARD MEMBER PEACE: Aye.  
17 BOARD SECRETARY BAKULICH: Petersen?  
18 BOARD MEMBER PETERSEN: Aye.  
19 BOARD SECRETARY BAKULICH: Washington?  
20 BOARD MEMBER WASHINGTON: Abstain.  
21 BOARD SECRETARY BAKULICH: Marin?  
22 BOARD CHAIR MARIN: Aye. Okay. Then that  
23 will lead us then to the full agenda, and that would be  
24 item number one.  
25 Let's see. Who's going to be making the

1 presentation, Michael or Bill? Okay.

2 MR. ORR: Yeah, agenda item one, consideration  
3 of request by plastic trash bag manufacturers for  
4 exemption for the inability to obtain sufficient quality  
5 or quantities of recycled post consumer material to  
6 demonstrate compliance for the 2004 reporting period for  
7 Glad Products Manu -- Glad Products Company dba Glad  
8 Manufacturing Company, and Pactiv Corporation.

9 And Michael Leason will present this item.

10 MR. LEASON: Thank you, Bill.

11 BOARD CHAIR MARIN: Michael.

12 MR. LEASON: Good morning, Madam Chair and Board  
13 members.

14 Since this item has had significant testimony  
15 before the Board since August, I won't go into detail in  
16 my presentation, but keep my remarks brief.

17 In order to comply with the plastic trash bag  
18 law, plastic trash bag manufacturers are required to  
19 certify to the Board that they meet either a ten percent  
20 recycled content mandate or requirement in their  
21 regulated trash bags, or 30 percent across all plastic  
22 products.

23 Alternatively, they can request an exemption  
24 from the Board to those minimum content requirements,  
25 but they must demonstrate that there is insufficient

1 quantity or quality of post consumer material available  
2 to them. And the requirements for making that  
3 demonstration are spelled out in regulation. And we do  
4 have a copy of a memo that spells out those regulatory  
5 requirements in the back of the room today.

6 Compliant manufacturers are published on the  
7 Board's website, and non-compliant manufacturers and  
8 wholesalers are also published on the Board's website.  
9 Non-compliant manufacturers and wholesalers are  
10 prohibited from contracting with the state for the  
11 provision of any good or service.

12 The options available to the Board today in  
13 regard to the exemption request are to; one, disapprove  
14 those requests;

15 Two, approve a conditional exemption request;

16 Three, approve the exemption request outright;

17 Or four, take no action.

18 The staff is recommending that the Board select  
19 option two, and conditionally approve the exemption  
20 request. The Board chair and staff met with company  
21 representatives and negotiated conditions, and those  
22 conditions are spelled out in the resolutions. And the  
23 companies agreed to report on a quarterly basis to the  
24 Board, and to meet with Board staff quarterly to review  
25 those reports. And to also continue to support the

1 Board's collaborative process in its efforts to increase  
2 plastic film collection for recycling.

3 And that concludes my remarks. And I'd be  
4 happy to answer any questions you have.

5 BOARD CHAIR MARIN: Thank you, Mr. Leao.  
6 Okay. So this comes again to us. And I know, Gary,  
7 last month you had -- you were thrown into the cold  
8 water here, to say the least. It was your very first  
9 meeting, and I know that you had requested some time to  
10 look at the issue. I hope you had the opportunity to  
11 review it, and I know you spent a lot of time looking at  
12 the history.

13 Is there comments regarding this?

14 BOARD MEMBER PETERSEN: Well, Madam Chair, I'm  
15 still freezing. But I -- it was very interesting. I  
16 met with the representatives of both Glad and Pactiv.  
17 We have been talking at length with staff about this. I  
18 found this explanation from the Glad Manufacturing  
19 Company on their website.

20 It says,

21 "To reduce the amount of plastic  
22 bags going to landfill, Glad  
23 continually is looking at ways to make  
24 the trash bags thinner and stronger.

25 In addition, Glad will use recycled

1 plastics in their trash bag production  
2 when the plastic is available. By  
3 using recycled plastic, it helps reduce  
4 the amount of plastics that might enter  
5 into a landfill."

6 And I'm curious about the effort the companies  
7 have made reconfiguring -- they've reconfigured their  
8 manufacturing line, which is commendable and a terrific  
9 step towards incorporating post consumer materials, but  
10 I still think we're falling short of the goals of the  
11 intent of the law and where we're going. And I have an  
12 idea of how we might proceed with that.

13 I understand that their testing did indicate  
14 the potential for using two to three percent post  
15 consumer content, but our staff indicates that there  
16 hasn't been any documentation of testing to achieve  
17 this, and perhaps Glad can comment on that later.

18 Regarding Glad and Pactiv. Staff isn't  
19 convinced that either Glad or Pactiv have met regulatory  
20 requirements to receive an exemption.

21 And does the Board have any legal right to  
22 approve the exemption? That's the other thing I'd like  
23 to know -- and on something that happened in the past?  
24 That's what I'm trying to get to.

25 And I don't know if it's this time, I can throw



1 in a proposal that might be something that we could all  
2 listen to and think about. Would that be happening?

3 BOARD CHAIR MARIN: Let me do this, I forgot  
4 that we actually have one speaker that has requested.  
5 And let me hear from him first and then we can discuss.  
6 Usually --

7 BOARD MEMBER PETERSEN: Okay.

8 BOARD CHAIR MARIN: We usually let all the  
9 speakers come in and say things, and then we  
10 deliberate.

11 BOARD MEMBER PETERSEN: Okay. Great.

12 BOARD CHAIR MARIN: I just jumped the gun  
13 because I knew that --

14 BOARD MEMBER PETERSEN: Sorry, you knew that I  
15 had something to say?

16 BOARD CHAIR MARIN: No, I jumped the gun. Mr.  
17 Murray from Californians Against Waste.

18 MR. MURRAY: Madam Chair, members, Mark Murray  
19 with Californians Against Waste.

20 And as I commented in San Diego. We're  
21 interested in, and we understand that there are  
22 constraints with regard to the statute here in terms of  
23 really motivating manufacturers to do what we want them  
24 to do, and maybe the circumstances of change with regard  
25 to this specific product line.

1           And so, as we described, we have been talking  
2 with the industry and with your staff about legislation  
3 that might deal with this issue in a more comprehensive  
4 way.

5           Having said that, it is still critical, in our  
6 mind, that we focus on the letter of the statute as it  
7 reads today. And I have an issue that I need to raise  
8 because I believe that the staff's interpretation of the  
9 Board's obligations under the statute is inconsistent  
10 with the authority and -- that is in the statute; and,  
11 frankly, is of concern generally with regard to the  
12 notion that somehow four affirmative votes would be  
13 required of this Board in order to find that someone is  
14 not in compliance with the statute. That would be  
15 troubling not just for the provisions of this law; but,  
16 frankly, for every provision of the Public Resources  
17 Code that would be a concern.

18           And so I want to just note that this -- in the  
19 staff report, the last paragraph under legal issues,  
20 paragraph F, describes for the first time -- suggests  
21 that the four affirmative votes of the Board are needed  
22 to make a finding that either someone is in compliance  
23 or that someone is not in compliance.

24           And that interpretation is inconsistent with  
25 the statute, but it's also inconsistent with the Board's

1 opinion on this exact same issue back from September of  
2 2004.

3           The statute -- as much as we might be critical  
4 of this statute, the statute is quite simple. It  
5 provides the manufacturers with two compliances -- two  
6 compliance options under the statute. Only two  
7 compliance options.

8           Those compliance options are ten percent post  
9 consumer content, or 30 percent post consumer content  
10 across their product line. There is no alternative  
11 compliance option in the statute. There is no exemption  
12 from those two compliance options in the statute.

13           The Board may create detailed provisions for  
14 dealing with subdivision D which provides the what if I  
15 can't get enough section of the statute, but that has  
16 nothing do with whether or not a manufacturer is  
17 in compliant with the basic two provisions of the  
18 statute.

19           The manufacturers failed, by their own  
20 admission, to meet ten percent post consumer in their  
21 trash bag, or 30 percent across their product line.  
22 That's why they pursued the regulatory alternative  
23 compliance option. That regulatory compliance option is  
24 not in the statute.

25           The manufacturers failed to comply with those

1 two provisions. They need to be listed. They needed to  
2 be listed in July of 2005 for not being in compliance.  
3 The manufacturers are out of compliance.

4 And in our opinion, the Board is currently out  
5 of compliance with provisions of this statute by failing  
6 to have listed them in July.

7 So I think it's important on the substance of  
8 this issue to work with the manufacturers to try and  
9 come up with some way to get them to increase their use  
10 of post consumer recycled content. And I think that the  
11 discussions that we've had with a number of Board  
12 members on those provisions make a lot of sense, and we  
13 want to be supportive of that substantive effort.

14 However, I have to object to the interpretation  
15 and the suggestion that somehow it's going to take four  
16 affirmative votes of this Board to find that someone is  
17 not in compliance with the statute when the statute is  
18 explicitly clear.

19 And I'm concerned, frankly, that if this is  
20 challenged, if the notion -- if the Board does not seek  
21 a revision of this opinion, and this statute is  
22 challenged, the whole notion of pursuing alternative  
23 compliance can be challenged, because I don't believe  
24 the alternative compliance mechanism that is in the  
25 regulations is supported by the statute either.

1           So I'm asking that you ask your staff to take  
2 another look at their opinion with regard to what  
3 constitutes compliance and what constitutes  
4 non-compliance with the statute, and that -- I urge you  
5 to -- frankly, to revise that opinion; make it  
6 consistent with the statute; make it consistent with  
7 your opinion -- their opinion on this statute as it  
8 existed in September of 2004.

9           Thanks.

10           BOARD CHAIR MARIN: Thank you, Mr. Murray. Let  
11 me -- because of the way that I'm hearing Mr. Murray  
12 say, you know, should this be challenged, it raises to  
13 me the specter of a potential legal question, and I'm  
14 wondering whether we should go into closed session right  
15 now?

16           CHIEF LEGAL COUNSEL CARTER: Marie  
17 Carter, staff -- chief counsel. I think that it would  
18 behoove the Board to go into closed session so we can  
19 discuss some of the issues that are best discussed and  
20 deliberated outside a public hearing because of the fact  
21 that there may be potential liability involved. So that  
22 would qualify us to go into closed session, and would be  
23 appropriate at this time.

24           BOARD CHAIR MARIN: Okay. With everybody's  
25 concurrence, it might be a good idea for us to go into

1 closed session right now, just to deal with this  
2 particular item.

3 We do have other items for closed session, but  
4 right now we will only be dealing with this particular  
5 item.

6 We will return. Thank you very much.

7 (Thereupon the Board convened into  
8 closed session.)

9 BOARD CHAIR MARIN: Okay. Call the roll,  
10 please.

11 BOARD SECRETARY BAKULICH: Mule?

12 BOARD MEMBER MULE: Here.

13 BOARD SECRETARY BAKULICH: Peace?

14 BOARD MEMBER PEACE: Here.

15 BOARD SECRETARY BAKULICH: Petersen?

16 BOARD MEMBER PETERSEN: Oh, here.

17 BOARD SECRETARY BAKULICH: Washington?

18 BOARD MEMBER WASHINGTON: Here.

19 BOARD SECRETARY BAKULICH: Marin?

20 BOARD CHAIR MARIN: And I'm here.

21 Okay. We had a very short meeting with our  
22 attorneys, and Mr. Conheim is going to explain the  
23 different issues that we discussed in closed session.

24 LEGAL COUNSEL CONHEIM: We had a closed --  
25 Madam Chair and members, I'm Robert Conheim, senior

1 staff counsel on the legal staff.

2 We had a closed session related to the  
3 expressed and implied challenge of, in my opinion,  
4 litigation from Mark Murray related to two issues. And  
5 I would like on the public record to summarize the  
6 advice and the discussion, the advice I gave you and the  
7 discussion on two issues.

8 The first is what the statute provides for by  
9 means of compliance. And the second has to do with how  
10 the Board is required to make decisions, and the voting  
11 requirements for those decisions.

12 And on the first issue, what the trash bag law  
13 requires from compliance, I've advised you that there  
14 are three means of compliance pursuant to Public  
15 Resources Code Section 42291.

16 The first two are the two that Mr. Murray  
17 stated to you, but there is a third. And the third is  
18 in subdivision D, allows the manufacturer or the  
19 wholesaler to state the reasons why it could not obtain  
20 enough post consumer recycled material to meet the ten  
21 percent and the 30 percent usage requirements.

22 And the law only requires that a manufacturer  
23 comply by either meeting the recycled content material,  
24 or certifying that it couldn't because of unavailability  
25 or -- unavailability of the quality, sufficient quality

1 material.

2           And we have adopted standards that require  
3 documentation that the Board must review to determine  
4 whether that certification, particularly the  
5 certification as to being unable to meet the recycled  
6 content material, was done correctly.

7           Now -- so in summary on the first issue, there  
8 are three, not two means of compliance with the  
9 chapter. And the chapter only requires that you meet  
10 the recycled content material or you certify why not  
11 with some more details attached to that.

12           In order to determine whether a company is in  
13 compliance, the staff makes recommendations, but the  
14 Board must decide. And I have advised you that in order  
15 for the Board to make any decision, it must have four  
16 affirmative votes, either to -- for a positive decision  
17 or a negative decision. In this case either to  
18 determine that these companies were in compliance  
19 because they -- of their certification; or to determine  
20 that they were not in compliance, and that they should  
21 be listed on the list of non-compliant facilities.

22           There is no provision in our law that allows  
23 for a default decision without a vote or a determination  
24 by the Board. For instance, if staff makes a  
25 recommendation that they are in compliance, that still



1 must come before the Board as the Board is the only  
2 entity -- the Board is the deciding entity.

3           And Public Resources Code Section 40410 -- and  
4 I hope I've got that right -- requires four affirmative  
5 votes to make -- to conduct any business, to transact  
6 any business of the Board. And that also means to make  
7 any decision of the Board.

8           So, in the case of the staff making a  
9 recommendation, if the Board does not decide one way or  
10 the other because it does not achieve four votes in any  
11 decision of the Board, whether it's a permit, whether  
12 it's a grant or a contract, or whether it's trash bag  
13 compliance, that decision is, in effect, a nullity. It  
14 doesn't occur. There is no decision made.

15           And the effect of no decision is that the -- in  
16 this case, the company would not be listed on the list  
17 of non-compliant facilities, but it would also not be  
18 reported by staff as complying. It would neither -- it  
19 would be neither fish nor fowl as my sainted mother used  
20 to say.

21           So I think that is the essence of what we  
22 discussed in closed session. And we discussed it in  
23 closed session so that you would have the -- in our  
24 opinion, the right legal context to understand your  
25 risks and liabilities as you proceed forward here today.

1           The public discussion on the substance of this  
2   item now can take place because you have the legal  
3   context that factored in whether there was a risk of  
4   litigation or exposure to challenge.

5           BOARD CHAIR MARIN:   Thank you, Mr. Conheim.

6           And I know that we have deliberated this very  
7   much in public for I don't know how many months through  
8   committees and the Board and so forth.

9           Having been made aware that it does, in fact,  
10   take four votes from the Board for any decision to be --  
11   to be rendered, it is incumbent upon us to come to an  
12   agreement with four votes.

13          And I know that this has been a very painful,  
14   if you will, for all of the parties involved, a very  
15   painful process.

16          Certainly -- the Pactiv representatives are not  
17   here, but they have been involved and are aware of the  
18   challenges that we face.

19          And let me assure the plastics manufacturers  
20   that we are also aware of the challenges you face in  
21   producing your product.

22          We have a law that needs to be complied with.  
23   There are exceptions to this law.   It's been a very  
24   difficult and long process.   Hopefully next year there  
25   will be some legislative relief so that we don't have to

1 go through this year in and year out. But,  
2 nevertheless, this is what is before us. And the  
3 challenges are only going to continue unless we come  
4 together as partners in how we're going to best address  
5 this challenge before us.

6 And with that, we have a recommendation before  
7 us on two resolutions. There was agreement from both  
8 corporations, one is -- yeah, both corporations. There  
9 are very specific conditions that have been agreed to.  
10 And hopefully this will lead us to a better resolution  
11 next time around.

12 I know Mr. Petersen has some significant  
13 concerns. And given his ample experience in dealing  
14 with some of these issues, it is my hope that, as Chair  
15 of the Sustainability and Markets Development Committee,  
16 that he will seek some further resolution, and seek  
17 partnerships that will enable us to deal with these  
18 challenges.

19 Mr. Petersen.

20 BOARD MEMBER PETERSEN: Madam Chair, thank  
21 you. This has been tough for me because I'm brand new  
22 here. And I am not against plastics or what plastics  
23 does in the marketplace, it's a product that we use  
24 every day.

25 What we've got to do is get to a yes here on

1 how we're going to deal -- it's not just the bags, it's  
2 the rigid containers, it's the products themselves in  
3 the marketplace.

4           It was like the glass bottles in the  
5 seventies. It was like the aluminum cans in the  
6 sixties. It was like newspaper in the fifties and  
7 sixties. It had to find a way to get to yes.

8           And what I'm hoping, and what we have here  
9 today is a cooperative effort, especially with Glad and  
10 Pactiv, on moving forward. And I want to work with you  
11 guys to make a real effort at dealing with the problem,  
12 which is the collection of the material. And we find  
13 several different ways of doing that.

14           And now I'm going to ask the companies to come  
15 to the table -- we'll find some money, ask the companies  
16 to come to the table with some money, to develop a  
17 couple of programs. One is dealing with the ag film  
18 where there's a large source separated source of  
19 materials that they can use.

20           And then deal with the cleaner bags and the  
21 shrink wrap and the supermarkets and the big box stores  
22 to come up with a program dealing with MRF's and things  
23 about collection. Let's start from the very beginning.  
24 We did this in the glass industry, we can do it in the  
25 plastics industry.

1           So my whole thing on this is getting to yes is  
2 more important than anything else, and getting the  
3 recycling of this material. Whether it goes into bags  
4 or not, I'm not so sure, because we all think that maybe  
5 the law is a little loosey goosey. Okay.

6           Anyway, that's what I have to say.

7           BOARD CHAIR MARIN: Thank you, Mr. Petersen. I  
8 know we're going to be discussing this in the years to  
9 come. What I'm going to do right now -- I know Ms.  
10 Peace wants to say something, but before I do that, let  
11 me put on the table so then we can discuss this.

12           Is there a motion to approve Resolution number  
13 2005-301 for Glad and 302 for Pactiv? Is there a motion  
14 for that?

15           BOARD MEMBER WASHINGTON: Madam Chair, I'd like  
16 to move adoption of this --

17           BOARD MEMBER PEACE: Excuse me, I requested to  
18 speak before we take a motion.

19           BOARD CHAIR MARIN: Yeah, I know.

20           BOARD MEMBER PEACE: Before we take a motion.

21           BOARD CHAIR MARIN: I know, but you're going to  
22 speak about this motion so I figure we can do that.

23           BOARD MEMBER PEACE: I would like to be able  
24 to speak before we make a motion to get it on the  
25 record.

1 BOARD CHAIR MARIN: Yeah, you'll get it on the  
2 record, everything you say will be on the record.  
3 Everything we're speaking will be on the record.

4 Mr. Washington.

5 BOARD MEMBER WASHINGTON: Yeah, Madam Chair.  
6 I'd like to move adoption of Resolution 2005-301 and  
7 Resolution 2005-302, option two.

8 COMMITTEE MEMBER MULE: Second.

9 BOARD CHAIR MARIN: Moved by Mr. Washington and  
10 seconded by Ms. Mule.

11 Under discussion, Ms. Peace.

12 BOARD MEMBER PEACE: Okay. I just wanted to  
13 get this on the record here. I know I said this  
14 before. But by law the trash bag companies have to  
15 comply by meeting the ten percent post consumer content  
16 requirement, or the 30 percent in their other products,  
17 or make a reasonable effort to comply.

18 And if the Board agrees a reasonable effort was  
19 made, then they can give an exemption, they can grant an  
20 exemption by an affirmative action of the Board.

21 They are not in compliance if they don't have  
22 the ten percent unless the Board grants the exemption.

23 And according to staff, they did not comply.  
24 So how can we possibly grant an exemption for the year  
25 2004 based on actions they agreed to perform in 2006?

1 And did we give any of the other non-compliant  
2 manufacturers this option before placing them on the  
3 non-compliant list?

4 We are treating the big companies different  
5 than we're treating the little ones. If we give the  
6 conditions to one, we must give them to all, or we will  
7 be open for lawsuits by those companies that have been  
8 put on the non-compliant list and have actually incurred  
9 damages as a result.

10 This -- I'm telling you, this is just like a  
11 hit piece on the Board waiting to happen. We're not  
12 talking any action this.

13 And then, you know, I understand what our legal  
14 staff is saying, but if the Board does not achieve four  
15 affirmative votes either to approve the exemption  
16 request for the companies or to deny the request, the  
17 companies would not be listed as non-compliant or  
18 prohibited from contracting with the State of  
19 California, but also would not be determined to be  
20 compliant.

21 Now -- so if they're not compliant -- if  
22 they're not compliant, then they have to be on -- I mean  
23 this is just a bunch of mumbo jumbo to me, I just don't  
24 even understand this.

25 And what I am suggesting, that before next

1 year's certifications, I would like to request that we  
2 get an Attorney General's opinion on the law and how we  
3 apply the four vote rule before this comes up again.

4 And with that, I would like a substitute motion  
5 to approve Resolution number 2005-103 and -302, option  
6 one, to disapprove their exemptions.

7 BOARD CHAIR MARIN: It dies for lack of second  
8 on the first res -- on the first motion.

9 BOARD MEMBER PETERSEN: I will second that.

10 BOARD CHAIR MARIN: You second her motion?

11 BOARD MEMBER PETERSEN: Yes.

12 BOARD CHAIR MARIN: Okay. A second on the  
13 substitute motion. Call the roll, please.

14 BOARD SECRETARY BAKULICH: We have a speaker.

15 BOARD CHAIR MARIN: No, it's okay, we're voting  
16 now on the second, on the substitute motion.

17 BOARD SECRETARY BAKULICH: Mule?

18 BOARD MEMBER MULE: No.

19 BOARD SECRETARY BAKULICH: Peace?

20 BOARD MEMBER PEACE: Aye.

21 BOARD SECRETARY BAKULICH: Petersen?

22 BOARD MEMBER PETERSEN: Aye.

23 BOARD SECRETARY BAKULICH: Washington?

24 BOARD MEMBER WASHINGTON: No.

25 BOARD SECRETARY BAKULICH: Marin?



1 BOARD CHAIR MARIN: No. Okay. That fails.  
2 On the first motion, call the roll, please.  
3 BOARD SECRETARY BAKULICH: Mule?  
4 BOARD MEMBER MULE: Aye.  
5 BOARD SECRETARY BAKULICH: Peace?  
6 BOARD MEMBER PEACE: No.  
7 BOARD SECRETARY BAKULICH: Petersen?  
8 BOARD MEMBER PETERSEN: Aye.  
9 BOARD SECRETARY BAKULICH: Washington?  
10 BOARD MEMBER WASHINGTON: Aye.  
11 BOARD SECRETARY BAKULICH: Marin?  
12 BOARD CHAIR MARIN: Aye. Thank you very much.  
13 Next item. Next item will be the Permit and  
14 Enforcement Committee, Ms. Mule. You have a small  
15 report?  
16 COMMITTEE MEMBER MULE: Yes very brief. Thank  
17 you, Madam Chair.  
18 We did hear one permit item, two permits were  
19 pulled.  
20 We did hear an item on new projects for solid  
21 waste disposal and co-disposal site cleanup.  
22 And we had an excellent presentation on options  
23 for training for LEAs and facility operators.  
24 And then, last but not least, we did hear one  
25 regulatory item.

1           And that concludes my report. Thank you, Madam  
2 Chair.

3           BOARD CHAIR MARIN: Okay. So that takes us to  
4 item number six, this is for fiscal content.

5           Mr. Levenson.

6           MR. LEVENSON: Yes, Madam Chair. Item six, the  
7 title will be a little bit longer than my  
8 presentation, I think. Consideration of the allocation  
9 of additional funds to expand training for local  
10 enforcement agencies and facility operators. And  
11 discussion and request for direction regarding the  
12 termination of the development of proposed regulations  
13 for the mandatory training and certification of landfill  
14 operators, Integrated Waste Management Account, fiscal  
15 year 2005-2006.

16           I'll just provide a little context and then get  
17 to the recommendation very quickly.

18           As you know, the Board has a long history of  
19 training local enforcement agencies or LEAs, is mandated  
20 by the Public Resources Code, and we've also trained  
21 Board inspectors, and occasionally facility operators.

22           We have an annual funding of the LEA training  
23 program that comes out of the dollars that are  
24 statutorily mandated for LEA grant support, and that's  
25 an understanding that was reached with the directors of

1 environmental health and the LEAs.

2           Since that time of that annual funding  
3 allocation, the state's solid waste infrastructure has  
4 expanded greatly and become much more complex. The  
5 resources to accommodate the training needs for LEAs and  
6 operators have not increased.

7           As you know, the Board also embarked on a very  
8 successful four year program with Solid Waste  
9 Association with North America on a pilot landfill  
10 operations training program, and we provided funding for  
11 that program.

12           At the end of the pilot, the Board directed  
13 staff to initiate an informal rulemaking regarding  
14 mandatory certification of LEAs, inspectors, and  
15 operators. We conducted multiple workshops and meetings  
16 over the course of 2004 and 2005, with our last workshop  
17 meeting being in September of this year.

18           And during that time, the idea of mandatory  
19 certification was viewed by a number of stakeholders as  
20 unnecessary, and no consensus on that issue emerged.  
21 Instead there was a larger consensus emerging or that  
22 did emerge regarding the need to provide joint training  
23 for LEAs and operators together, and to increase the  
24 scope of training by the Board in general.

25           So at the Permitting and Enforcement Committee

1 meeting last week, the committee members supported  
2 option one, which was to direct staff to do the  
3 following: Implement an expanded joint training program  
4 for LEAs, facility operators, and inspectors.

5           Allocate \$150,000 in funding from the  
6 unexpended fiscal year '05-'06 Integrated Waste  
7 Management Account.

8           Direct staff to discontinue the rulemaking on  
9 mandatory certification requirements.

10           And direct the Executive Director to determine  
11 the mandatory contract funding for expanded training in  
12 future years at a level not to exceed the \$150,000 per  
13 year.

14           This was supported at the committee meeting by  
15 entities such as CRRC, LEAs, Environmental Health  
16 Directors, as well as SWANA. Although SWANA did  
17 indicate that they would like the certification issue to  
18 be revisited in the future.

19           It's also consistent with the Board's  
20 enforcement and training action plan and Cal EPA's  
21 cross-media training initiative.

22           So with that, staff recommends that the Board  
23 approve option one, and adopt Resolution 2005-329.

24           We'd be happy to answer any questions you  
25 might have.

1           BOARD CHAIR MARIN: Thank you, Mr. Levenson. I  
2 know you had a big discussion on this, and I know that  
3 you got everybody to agree on this issue. I do -- I did  
4 want to just emphasize, since I wasn't at the committee  
5 any longer, that it would be interesting, maybe in a  
6 year or so, to review and find out whether this is  
7 really meeting the needs that are out there for  
8 training. We need to revisit that. You know, every now  
9 and then we need to reflect that what we're doing is the  
10 best option.

11           So with that, is there a motion?

12           COMMITTEE MEMBER MULE: Madam Chair, I'd like  
13 to approve Resolution 2005-329. But first, again, I  
14 just want to thank Howard and Mindy and Sharon for all  
15 of your work with this important program.

16           I think \$150,000 is nothing in terms of an  
17 investment. It's a good investment, but I think  
18 personally that we could be putting a lot more dollars  
19 to ensure compliance and enforcement in protecting the  
20 public health and safety, since that is our -- one of  
21 our core missions. So I just think that they did a  
22 great job of putting this all together.

23           I spoke again with SWANA yesterday. They're  
24 fine with the program. They do want to -- they would  
25 like to see us revisit this in a couple of years to look

1 at the certification issue.

2 And with that, if there are no other questions.

3 BOARD MEMBER PEACE: I'll second that.

4 COMMITTEE MEMBER MULE: I'd like to move the  
5 Resolution.

6 BOARD CHAIR MARIN: Okay. Moved by Ms. Mule  
7 and seconded by Ms. Peace, Resolution 2005-329.

8 Please call the roll.

9 BOARD SECRETARY BAKULICH: Mule?

10 BOARD MEMBER MULE: Aye.

11 BOARD SECRETARY BAKULICH: Peace?

12 BOARD MEMBER PEACE: Aye.

13 BOARD SECRETARY BAKULICH: Petersen?

14 BOARD MEMBER PETERSEN: Aye.

15 BOARD SECRETARY BAKULICH: Washington?

16 BOARD MEMBER WASHINGTON: Aye.

17 BOARD SECRETARY BAKULICH: Marin?

18 BOARD CHAIR MARIN: Aye. Okay. That takes us  
19 to Special Waste.

20 And I'm most sorry I was unable to be here for  
21 that particular committee. I was -- I am chair of that  
22 committee, but due to a death in the family I was unable  
23 to attend. Graciously Ms. Mule agreed to chair it. And  
24 so you'll report then?

25 COMMITTEE MEMBER MULE: Thank you, Madam

1 Chair. We did hear several items. One was on fiscal  
2 consent that we'll be hearing shortly on fire.

3 We had a great presentation on the satellite  
4 imagery to locate waste tire piles. Very interesting  
5 presentation.

6 And then we also heard -- we will be hearing  
7 the Tracy groundwater contamination issue.

8 And then there on consent is the scope of work  
9 for a public awareness campaign to promote sustainable  
10 practices for tires, tire maintenance.

11 So that concludes my report. Thank you, Madam  
12 Chair.

13 BOARD CHAIR MARIN: Okay. I know Todd is  
14 there, but I was just going to take item number nine  
15 since it's a fiscal consent, if that's okay with you?

16 Item number nine, Mr. Lee.

17 MR. LEE: Thank you, Madam Chair. Good morning  
18 Board members. My name is Jim Lee, Deputy Director of  
19 the Special Waste division.

20 Board item nine, consideration of the scope of  
21 work to conduct tire forums throughout the State of  
22 California, Tire Recycling Management Fund, fiscal year  
23 2005-06.

24 The item before you today is to implement Board  
25 direction, as received during the five year tire plan

1 review, and to confirm the 100,000 funding allocation to  
2 support this program.

3 Specifically, we are proposing to conduct, on  
4 an as-needed basis, with the assistance of a contractor,  
5 a series of forums and seminars to advise, educate, and  
6 interact with stakeholders on a variety of tire issues.

7 In accordance with Board direction in the May,  
8 2005, five year plan revision, this proposal is a  
9 departure from the single event conference venues which  
10 had been a staple of earlier five year plans.

11 This item was heard by the Special Waste  
12 Committee and recommended for fiscal consent. Staff  
13 recommends that the Board approve the scope of work,  
14 approve the agreement with the California State  
15 University of Sacramento as contractor in the amount of  
16 a hundred thousand dollars, and approve Resolution  
17 2005-322.

18 BOARD CHAIR MARIN: Thank you, Mr. Lee. Is  
19 there a motion for this item?

20 BOARD MEMBER PEACE: I'd like to move  
21 Resolution number 2005-322.

22 BOARD MEMBER WASHINGTON: Second;

23 BOARD CHAIR MARIN: Moved and second -- moved  
24 by Ms. Peace and second by Mr. Washington.

25 Please call the roll, please.



1 BOARD SECRETARY BAKULICH: Mule?  
2 BOARD MEMBER MULE: Aye.  
3 BOARD SECRETARY BAKULICH: Peace?  
4 BOARD MEMBER PEACE: Aye.  
5 BOARD SECRETARY BAKULICH: Petersen?  
6 BOARD MEMBER PETERSEN: Aye.  
7 BOARD SECRETARY BAKULICH: Washington?  
8 BOARD MEMBER WASHINGTON: Aye.  
9 BOARD SECRETARY BAKULICH: Marin?  
10 BOARD CHAIR MARIN: Aye. Okay. That takes us  
11 to item 11.  
12 MR. LEE: Thank you, Madam Chair. Board item  
13 11 is update, status and consideration of options and  
14 allocation for remediation of groundwater contamination  
15 at the Tracy tire fire site, Tire Recycling Management  
16 Fund, fiscal year 2005-06.  
17 Staff had expected that we would be concluding  
18 remediation activities at the Tracy site by this  
19 December, and within the funds currently allocated to  
20 the project.  
21 However, unanticipated groundwater problems  
22 discovered at the site, which potentially impact on  
23 adjacent private property, have required that we revise  
24 our time schedule for project completion, and that we  
25 request additional funding consideration.

1           Board engineers and the engineering contractors  
2   working on the site will review the history of the site,  
3   explain the circumstances surrounding the discovery of  
4   groundwater contamination, and discuss our proposed  
5   corrective action.

6           Should the Board concur with staff  
7   recommendations that the remaining soil and groundwater  
8   contamination should be remediated as soon as possible,  
9   the issue of appropriate funding for this work comes  
10  into play.

11          At the Special Waste Committee meeting, staff  
12  discussed funding considerations including reallocation  
13  of funds, and use of the emergency reserve which drew  
14  comment from committee members and stakeholders.

15          After consideration of this input and  
16  discussion with the legal office and administration  
17  division, staff's consensus recommendation is that the  
18  use of the emergency reserve is the best option at this  
19  time.

20          This recommendation is based on the following  
21  considerations, among others:

22          One, the title of this agenda item arguably did  
23  not provide adequate notice to interested stakeholders  
24  that there would be a complete discussion of  
25  reallocation determinations.

1           Indeed, at the committee meeting one  
2 stakeholder noted that use of reallocation funds for  
3 Tracy would come at the expense of other potential  
4 reallocation uses.

5           Secondly, discussing reallocation as part of  
6 this agenda item would be contrary to Board direction  
7 received during the May, 2005, five year plan  
8 deliberations.

9           Specifically, staff was directed to provide a  
10 status report on implementation of the five year plan in  
11 early 2006, and solicit stakeholder input in advance of  
12 formal reallocation determinations. Staff is currently  
13 scheduled to present this update and stakeholder input  
14 at the February Board meeting.

15           And finally, use of the emergency reserve funds  
16 is appropriate based on the threat posed to the  
17 environment by the off-site migration of the groundwater  
18 contamination plume.

19           With that, I'll now ask Todd Thalhamer and Bob  
20 Fujii to make the next part of the staff presentation.

21           BOARD CHAIR MARIN: Thank you, Todd.

22           MR. THALHAMER: Thank you, Madam Chair, Board  
23 members, Executive Officer.

24           For the record, my name is Todd Thalhamer. I'd  
25 like to discuss the status report for the Tracy tire

1 fire site. During the presentation, if you have any  
2 questions, please ask so we can continue on.

3 In summary, I'm going to talk about the status  
4 of the Tracy fire, the encountered groundwater  
5 contamination, alternatives to handling the groundwater  
6 contamination, and possible funding options.

7 The status. To date we've met the cleanup  
8 goals for the hazardous waste, class one.

9 We've met 98 percent of the cleanup goals for  
10 the class two.

11 And we've also discovered contaminated  
12 groundwater along the northern boundary.

13 The project to date. We've removed 380 --  
14 382,000 tons of ash, debris, and oily wastes, broken  
15 down in the following. That material has been  
16 transported by 15,943 trucks.

17 To bring into focus what that actually means,  
18 if one was to use the Cal EPA building, we would have  
19 7.2 feet on every floor. Or we could basically line up  
20 trucks from downtown Sacramento to Oakland and back,  
21 bumper to bumper.

22 Remaining issues that we have in front of us.  
23 We'll discuss the remaining soil and groundwater  
24 contamination, how we discovered the plumes,  
25 alternatives, and funding.

1           Provide a brief history. This is a short of  
2 the four wells installed by U.S. EPA in the phase one  
3 investigation that they conducted.

4           As you can see here, they installed these four  
5 wells assuming that the groundwater direction was the  
6 way it was. When the wells were installed, we  
7 discovered that the groundwater direction was  
8 approximately 30 degrees different.

9           In consultation with our consultant and the  
10 Regional Water Quality Control Board, we added an  
11 additional well to have two ground downgradient wells  
12 along with the perimeter monitoring.

13           We sampled this system that you see in front of  
14 us eight times for approximately three years, and have  
15 not detected any VOCs, semi-volatile organics, or oil  
16 products in the water.

17           This is a shot taken in 2004. We were at this  
18 particular time of the aerial shot, two-thirds of the  
19 hazardous waste, the ash was removed. What we did at  
20 this particular shot is we also overlaid the areas that  
21 we found significant pyrolitic oil contamination.

22           And at this particular point we've removed 98  
23 percent of what you see in the yellow.

24           This is a closeup of the groundwater monitoring  
25 results of Tracy. Starting on the right you have MW-2

1 and zero up at the top, MW-1 at zero, MW-5 at zero, and  
2 a recently installed well at MW-7 at 120.

3 Our cleanup goal for this site is one hundred  
4 micrograms per liter which is equivalent to about one  
5 hundred parts per billion. So that's our cleanup level.  
6 So far as what you see here, everything has met the  
7 cleanup level.

8 However, when we found the groundwater  
9 contamination in the zone, we immediately installed MW-6  
10 and had it tested. The first test came back at a  
11 thousand, the second test came back at four hundred, and  
12 our last result was down to 330.

13 To better define the groundwater plume and to  
14 understand where our contamination was, we installed  
15 soil boring one and two.

16 Soil boring one came back with a groundwater  
17 concentration at 51,000, and soil boring two came back  
18 at a concentration at 5,100.

19 The plume that we're talking about is actually  
20 in the red zone that just came up on the screen. We'll  
21 go ahead and zoom into that area.

22 In order to encapsulate or to prevent further  
23 groundwater contamination, we are proposing to remove  
24 the source. The source is outlined in the red area. So  
25 before when you saw the yellow zones, those are all

1 gone. This is exactly what's left. This small lens  
2 here. It is 120 feet by 20 feet wide by approximately  
3 five feet thick.

4 In order to remove that, we're going to have to  
5 take down this part of the hillside. I'll have a slide  
6 here in a minute to help -- a cross-section to look at  
7 that.

8 What we're looking at is a conceptual  
9 cross-section of that area. Areas in yellow we've  
10 already removed. And in this area where we've removed  
11 down to groundwater, brought back clean fill, and in  
12 doing so we discovered that we had a small pocket of oil  
13 at the toe of the slope.

14 In order to access this point, we are going to  
15 have to remove this part of the slope which also goes  
16 outside our boundary, which goes to our neighboring  
17 boundary of Teichert Construction.

18 Let's talk about the conceptual path. There's  
19 been a few questions of how the oil has gotten there,  
20 why it is there. Just the general issue of how did that  
21 oil get to that spot?

22 Conceptually at the Tracy tire fire, tires were  
23 stacked about 65 feet up to the top of the hill. As the  
24 tires burned they generated oil. As oil came down the  
25 hill, it's also saturated into the side of the hill. As

1 it comes down, it's hit a clay layer on the site. This  
2 clay layer is anywhere from eight to ten feet throughout  
3 the site. However, unfortunately for us, exactly where  
4 the tires were the thickest, the clay layer went down to  
5 one foot.

6 It's very rare in the environmental world that  
7 you can actually expose layers of underground material  
8 and actually visually see them. Normally you just work  
9 with boring data that you have.

10 To give you an idea what this one foot looks  
11 like, this is actually a shot that was taken. Just to  
12 give you an idea where he's standing, we're only about  
13 two feet from groundwater. This is the clay layer that  
14 we were discussing.

15 Unfortunately for us, approximately at this  
16 particular point the tires were the highest, the clay  
17 layer dropped from eight feet to one foot. So as far as  
18 your path of oil goes and how it got to the groundwater,  
19 this is the location it got to the groundwater.

20 To give you an idea of the area that needs to  
21 be removed, it's shaded in pink. This is the area that  
22 would have to be removed in order to prevent further  
23 groundwater contamination.

24 An additional perspective on this, to get to  
25 the toe of the slope, this is a material that would have



1 to be removed in order to access this particular point.

2 Now, as I said in committee, I have two plans,  
3 plan A and plan B, and I will also throw in hand puppets  
4 for plan C if the video doesn't work, but hopefully we  
5 won't have to go to the hand puppets.

6 You're witnessing here -- that is not water,  
7 that is actually oil running out of the side of the  
8 hill. This was discovered October 5th. And October  
9 13th we set up a small camera and took some video shots  
10 of the oil coming out of the side of the hill.

11 Additionally what you're going to see is the  
12 oil on top of the groundwater after it has come out for  
13 a period of time which would be the next shot coming up  
14 here. This is actually -- you can see the pyrolitic oil  
15 sitting on top of the groundwater.

16 Additionally what you'll see is the gravel  
17 lens. Here's the thick layer.

18 And then finally you'll see a shot showing this  
19 layer going throughout the site. Sorry, that was a  
20 little quick.

21 In discussing the project -- are there any  
22 questions so far? Okay.

23 We have a number of alternatives for you on  
24 this scenario. We have our consultant, James Eisert  
25 from LFR, to discuss those alternatives.

1           MR. EISERT: Good morning, Committee Chair and  
2 Committee members. My name is James Eisert, and as you  
3 can see, I have three bullets to talk about here. I  
4 have no fancy videos or graphic displays, so bear with  
5 me.

6           The initial -- initially I'll provide a summary  
7 of the three remedial alternatives as listed here. But  
8 before we can select an alternative we need to establish  
9 an objective. And the ultimate objective here is to  
10 reduce the liability of the state. And this can be  
11 accomplished by obtaining site closure and property  
12 transfer.

13          The first -- I'm going to review the  
14 alternatives real quick. Alternative one is monitor  
15 natural attenuation.

16          Alternative two is excavation.

17          Alternative three, LNAPL, which means light  
18 non-aqueous phase liquid removal system. As Todd  
19 pointed out, the oil was floating on top of the water,  
20 therefore it's lighter than, or less dense than the  
21 water, so it floats.

22          The time periods. I just want to talk about in  
23 alternative one and alternative three you can see the  
24 time period is five to ten years and more than five  
25 years. Those are optimistic views. And I just want to

1 point out that alternative one and three are  
2 exceptionally long term alternatives.

3 Alternative two, you can see the removal would  
4 only actually take six weeks with a followup of one to  
5 two years of monitoring.

6 The costs associated with these three  
7 alternatives relate to the time period.

8 The cost for one, looking at \$300,000 for  
9 approximately ten years. That may be optimistic, it may  
10 take twenty years, we don't know.

11 Alternative three, likewise the money is  
12 \$600,000, and that is also a little optimistic.

13 Alternative two, because it's a short-term  
14 project we have a little more confidence in the number.  
15 Well actually I should say we have a lot more confidence  
16 in the number because you're doing a source removal.

17 I'll talk a little bit about the advantages and  
18 disadvantages of each of the alternatives.

19 MNA, as you know, or as you may know, requires  
20 no further earthwork, and that's a big advantage. And  
21 only minor characterization would be required. And it's  
22 relatively low up-front costs.

23 Now, the disadvantages. MNA does not actively  
24 remove the source of the oil, and it's a long-term  
25 process. Additionally, the rate of biodegradation of

1 the oil is unknown. So, as I said earlier, that ten  
2 years could be twenty years or it could be thirty years.

3 The advantages of alternative two, the  
4 excavation, include it's a very short-term process,  
5 that's one of the key things here, one and a half  
6 months, approximately six weeks to do the work on site.

7 Leading up to that we need to do some  
8 permitting and getting site access first. This  
9 alternative is the only alternative that actively  
10 removes the majority of the soil and the oil within the  
11 soil and groundwater. That being said, it's the  
12 quickest way to get site closure.

13 Alternative three is an LNAPL removal system.  
14 Now ideally when you design an engineered removal  
15 system, it's to enhance removal without doing any  
16 earthwork.

17 I have a long list of disadvantages of this  
18 system. As you may remember from the cross-section that  
19 Todd showed, the main oil is located beneath the slope  
20 of the cliff, and it's just hard to access. So for that  
21 reason alone it doesn't make a very feasible option.

22 In addition to the actual removal system -- of  
23 installing the removal system, the complexities of that,  
24 you'd have to do years of followup monitoring anyway.

25 So this being said, the alternative two

1 excavation is the remedial alternative that best appears  
2 to be accomplished -- to accomplish the objective of  
3 site closure and property transfer.

4 If you have any questions, I can answer those  
5 for you after I come back up.

6 Todd, you want to come back up?

7 MR. THALHAMER: And continuing -- Todd  
8 Thalhamer -- we'll want to discuss funding for this  
9 particular item.

10 I'd like to turn this back over to Mr. Jim  
11 Lee.

12 MR. LEE: Madam Chair, are there any comments  
13 that you or the other Board members have on our  
14 presentation so far?

15 BOARD CHAIR MARIN: Before the funding?

16 MR. LEE: I think I outlined it at the  
17 beginning of my presentation. Yes, basically it's  
18 staff's recommendation that the Board use the emergency  
19 reserve to fund this particular project.

20 BOARD CHAIR MARIN: Okay. Are there any  
21 questions regarding the presentation? None for the  
22 consultant? No.

23 I have one to -- it's not -- well, it is a  
24 question. Let me just state this. Only because we're  
25 at 98 percent complete, and this will take us hopefully

1 to one hundred percent. And it seems to me, at least  
2 from this last year and a half, that there's been almost  
3 like Murphy Law, you know, everything that could go  
4 wrong has gone wrong.

5 I'm hoping -- is there anything else that can  
6 go wrong cleaning that two percent? Yeah. Go ahead,  
7 please.

8 MR. EISERT: Like you said, it's a law, so  
9 probably. I mean there's no way I can promise you that  
10 nothing is going to go wrong. I don't anticipate  
11 anything else because -- by the way, we've installed the  
12 wells and the two additional borings, and based on the  
13 concentrations that we're viewing, you can see the  
14 highest concentration is in boring one, and that means  
15 we have a lower concentration to the west, and a lower  
16 concentration and a non-detect concentration to the  
17 east, so we have the lateral extent very well defined --

18 BOARD CHAIR MARIN: Okay.

19 MR. EISERT: -- in that area.

20 BOARD CHAIR MARIN: Mr. Eisert, I just want you  
21 to know that this Board has battled with this site for a  
22 long time, and the cleanup has taken what I consider a  
23 very long time. And we were prepared and we were very  
24 excited to have it finished.

25 I understand that sometimes unanticipated

1 things happen, and it seems to me that this is the  
2 case. I appreciate it. I am fearful that just as  
3 when -- when we reach 99 percent, that something else  
4 might go wrong.

5           And I had a long discussion with my staff  
6 yesterday, you know. It's just very frustrating, to say  
7 the least, that we seem not to just get it done. And  
8 there's nothing that you can do about having a, instead  
9 of a ten feet, one foot of clay that naturally occurs in  
10 the year.

11           But, nevertheless, it's just -- I have to  
12 express my level of frustration, and I'm sure you had  
13 absolutely nothing to do with it. And certainly my  
14 staff had nothing to do with it, we just want to get it  
15 clean. And as soon as possible.

16           Now, when we clean it, we only monitor it to  
17 make sure that nothing else comes back? If we take it  
18 out, how can -- why do we need the monitoring? I don't  
19 understand that.

20           MR. EISERT: I don't want to speak on the  
21 behalf of the Water Board. But basically the followup  
22 monitoring is at their request. It's sort of a hundred  
23 percent closure in their part. Of course if we remove  
24 move the source, the degradation rate and the  
25 dissolution of the water, the fresh clean water come

1 behind it, it's going to go away. But it's just a paper  
2 trail for them to say yes, in fact it did.

3 So the one or two monitoring events afterwards  
4 is, you know, it's up to the Water Board and maybe to  
5 the Waste Board to come to an agreement.

6 It may be an option to do further monitoring.  
7 That would have to be a discussion that we'd have to get  
8 approved by them and the Waste Board.

9 BOARD CHAIR MARIN: I understand somebody wants  
10 to speak to that.

11 MR. WALLBERG: Madam Chair, members of the  
12 Board, my name is Eric Wallberg, I'm a hazardous  
13 substances scientist for the Department of Toxic  
14 Substances Control.

15 BOARD CHAIR MARIN: We thank you for being  
16 here.

17 MR. WALLBERG: No problem. The reason the  
18 monitoring needs to occur is because we're going to  
19 remove the source area, the high concentration material  
20 that puts low concentration pyrolitic oil into the  
21 groundwater.

22 Once we remove the source, there's still going  
23 to be contaminated groundwater at low levels. That low  
24 level contamination will be naturally attenuated by  
25 microbes in the soil. So that over time, probably a



1 short period of time, the microbes, the bacteria will  
2 biodegrade the low level contamination, and we will not  
3 have any contamination issues with the groundwater.

4 BOARD CHAIR MARIN: I thank you. And I thank  
5 the Department of Toxics and Substance Control for their  
6 information. Since you're here, let me just say that  
7 one of the things I talked to my staff about yesterday  
8 about this collaborative effort between the Water Board,  
9 the DTSC, the contractors, the people that put all the  
10 wells, EPA, everybody that was involved in this.

11 I want to make sure that we learn more than  
12 just the fact that we do not want to create another  
13 situation where there is a tire pile burn. But should  
14 something like that occur, maybe a little bit more of an  
15 aggressiveness from our end in trying to remediate the  
16 site.

17 We followed established protocol by EPA insofar  
18 as where to place the monitoring. Maybe we have learned  
19 that we need to be more aggressive. So instead of  
20 having three wells, maybe we would consider having six  
21 wells -- or seven, which it turned out to be now -- and  
22 maybe we would have come across this problem a little  
23 bit earlier and had remediated it earlier than this.

24 So I hope that by having gone through this  
25 process that we learn that maybe we need to be even a

1 little bit more aggressive. And I'm not the scientist,  
2 you guys are, I appreciate the work of everybody  
3 involved, I just want it cleaned, that's all.

4 MR. WALLBERG: Madam Chair, it's been my  
5 pleasure actually to be part of the Cal EPA team on both  
6 the Tracy and Wesley tire fires.

7 And had we any inkling that we would have  
8 needed to put in additional wells when we started this  
9 monitoring, believe me, we would have. We assume since  
10 we covered the compass with wells and had non-detects in  
11 all those wells, that it wasn't going to be a problem.  
12 And then when we discovered actual contamination --  
13 because we went, dug down to the groundwater. And when  
14 we found that contamination at the groundwater, then we  
15 had to reevaluate the flow, and we discovered the  
16 contamination.

17 So like I say, if we could have put in more  
18 monitoring wells, we would have, but we had no reason  
19 to.

20 BOARD CHAIR MARIN: To suspect that that would  
21 be the case. Well now, live and learn, you know. Now  
22 we have learned that that could happen.

23 MR. WALLBERG: Yes, ma'am.

24 BOARD CHAIR MARIN: Thank you, sir. Thank you,  
25 Todd. And thank you, I don't know if anybody else was

1 here from the partners in this effort that I need to  
2 acknowledge.

3 Mr. Lee.

4 MR. LEE: I think the consultants from Levine  
5 and Fricke that spoke a little bit earlier.

6 BOARD CHAIR MARIN: Okay. And that's it?  
7 Anybody from Sukut is here? No. There is somebody  
8 here?

9 MR. THALHAMER: We have the project foreman  
10 here if you have any questions for him as well.

11 BOARD CHAIR MARIN: Just remove it as soon as  
12 possible.

13 UNIDENTIFIED SPEAKER: Yes, ma'am.

14 BOARD CHAIR MARIN: Thank you. Thank you. Any  
15 further questions or comments?

16 Ms. Peace.

17 BOARD MEMBER PEACE: I'm just going to say I'm  
18 sure it's been frustrating to all, everybody involved.  
19 And to Todd and the entire cleanup crew, I mean you guys  
20 have done really an incredible job.

21 And really at this point all we need to do, I  
22 think we all agree that this needs to be cleaned up, and  
23 the sooner the better, to reduce the liability to the  
24 state, and like you said, to expedite the property  
25 transfer.

1           So if there aren't any other questions, I would  
2 like to move Resolution 2005-324, alternative two.

3           BOARD MEMBER WASHINGTON: Second.

4           BOARD CHAIR MARIN: Okay. Moved and second.

5 And you have your direction that it would go from?

6           MR. LEE: I do, Madam Chair.

7           BOARD CHAIR MARIN: Okay.

8           MR. LEE: From the emergency reserve.

9           BOARD CHAIR MARIN: Right, from the emergency  
10 reserve. Okay. Ms. Bakulich, would you call the roll?

11           BOARD SECRETARY BAKULICH: Mule?

12           BOARD MEMBER MULE: Aye.

13           BOARD SECRETARY BAKULICH: Peace?

14           BOARD MEMBER PEACE: Aye.

15           BOARD SECRETARY BAKULICH: Petersen?

16           BOARD MEMBER PETERSEN: Aye.

17           BOARD SECRETARY BAKULICH: Washington?

18           BOARD MEMBER WASHINGTON: Aye.

19           BOARD SECRETARY BAKULICH: Marin?

20           BOARD CHAIR MARIN: Aye. Okay, thank you.

21           MR. THALHAMER: Thank you.

22           BOARD CHAIR MARIN: All right. I want a  
23 certificate -- when this is done, I want a big  
24 certificate that this has been cleaned.

25           BOARD MEMBER WASHINGTON: Madam Chair, I'll

1 make sure that happens, I'm going to go out there and  
2 help them clean it up.

3 BOARD CHAIR MARIN: Take the last, take the  
4 last part of the --

5 BOARD MEMBER PETERSEN: Madam Chair, they did a  
6 great job on this as far as scoping it and explaining  
7 the problems and what happened. It was amazing the work  
8 that the staff did, and the consultant.

9 BOARD CHAIR MARIN: Thank you. Thank you, Mr.  
10 Petersen. All right. Shoot. That leads us to  
11 Sustainability and Market Development.

12 Mr. Petersen.

13 BOARD MEMBER PETERSEN: Okay. A couple of  
14 comments.

15 First, one of the RMDZ loans on the Board  
16 agenda this morning, as you know, plastics item fifteen,  
17 will facilitate the construction of new plastic wash  
18 line in Camarillo, California, that will handle ag film.

19 I'm really excited about the project and the  
20 role, you know, and we are going to play in this to  
21 increase the capabilities of film, plastics recycling in  
22 the State of California.

23 And it was refreshing to talk to these guys.  
24 They're from China. I've been to China, I've seen the  
25 plastics recycling stuff there. And although it's

1 heavily labor intensive, they know what they're doing,  
2 and they're now here showing us how to do it. It's  
3 pretty interesting. Anyway --

4 And we also heard from them of the  
5 collaborative approach that they're pursuing for post  
6 consumer plastics collection in the state. I'm really  
7 looking forward to working with these guys. They really  
8 have got it together, and I'm looking forward to  
9 watching them build this plant.

10 That concludes my report.

11 BOARD CHAIR MARIN: Wonderful. Thank you.  
12 That wasn't so bad, was it?

13 BOARD MEMBER PETERSEN: No, I did fine, didn't  
14 I?

15 BOARD CHAIR MARIN: He survived. Okay. Who's  
16 going to present, Bill? That leads us to item number  
17 fifteen.

18 MR. ORR: Thank you, Madam Chair and Board  
19 members.

20 My name is Bill Orr, Acting Deputy Director for  
21 December, for the Waste Prevention and Market  
22 Development Division.

23 Item fifteen presents for consideration the ENO  
24 Plastics, LLC application to the Recycling Market  
25 Development Revolving Zone Loan Program.

1           As Mr. Petersen just stated, this particular  
2 project would finance the purchase of equipment to  
3 increase the diversion of post consumer agricultural  
4 plastic film from the landfill by 10,000 tons per year.  
5 The project is located in Camarillo -- Camarillo, excuse  
6 me, California, within the Ventura County recycling  
7 market development zone. And when it was originally  
8 requested, it was for a greater amount.

9           At the December 1st, 2005 loan committee, the  
10 committee approved a reduced loan amount of \$912,400 to  
11 finance the purchase of equipment only, citing that  
12 there was inadequate collateral to fund the working  
13 capital.

14           ENO Plastics, LLC has acknowledged that they  
15 will be able to continue with this project with the  
16 reduced loan amount.

17           With that said, staff recommends that the Board  
18 approve option one and adopt Resolution number 2005-331,  
19 revised, to approve an RMDZ loan to ENO Plastics, LLC,  
20 in this amount of \$912,400.

21           BOARD CHAIR MARIN: Okay. Thank you, Bill. Is  
22 there -- nobody is here from the company, right?

23           MR. ORR: No.

24           BOARD CHAIR MARIN: Okay. I have no questions.  
25 Is there any motion?

1           BOARD MEMBER PEACE: Yeah. I just want to say,  
2 this -- with this company they're going to collect the  
3 used agricultural plastic film from the farmers,  
4 transfer stations, and waste haulers, and that they're  
5 going to use this to manufacture post consumer plastic  
6 resin. And this is the resin of the type that will --  
7 that could be used by trash bag manufacturers. And  
8 they're going to produce 10,000 tons a year, which is  
9 more than enough for Glad and Pactiv to reach their ten  
10 percent.

11           So with that, I would like to move Resolution  
12 number 2005-331, revised.

13           BOARD MEMBER PETERSEN: I'll second that.

14           BOARD CHAIR MARIN: Okay. Moved by Ms. Peace,  
15 and seconded by Mr. Petersen.

16           Call the roll, please.

17           BOARD SECRETARY BAKULICH: Mule?

18           BOARD MEMBER MULE: Aye.

19           BOARD SECRETARY BAKULICH: Peace?

20           BOARD MEMBER PEACE: Aye.

21           BOARD SECRETARY BAKULICH: Petersen?

22           BOARD MEMBER PETERSEN: Aye.

23           BOARD SECRETARY BAKULICH: Washington?

24           BOARD MEMBER WASHINGTON: Aye.

25           BOARD SECRETARY BAKULICH: Marin?



1 BOARD CHAIR MARIN: Aye. Okay. Item number  
2 16.

3 MR. ORR: Item number 16, consideration of the  
4 Recycling Market Development Revolving Loan Program  
5 application for Golden By Products, Inc. dba Scrap Tire  
6 Company. This item presents for consideration. The  
7 loan for Golden By Products for the RMDZ loan program,  
8 the request is for 880,000 to finance the purchase of  
9 equipment.

10 BOARD MEMBER WASHINGTON: Hold on, Madam  
11 Chair. Before Mr. Orr finishes, this is an item --

12 BOARD CHAIR MARIN: Oh, you need to walk out.

13 BOARD MEMBER WASHINGTON: I need to -- yeah.

14 BOARD CHAIR MARIN: Okay.

15 BOARD MEMBER WASHINGTON: I'll be abstaining  
16 from voting on this item also for reasons that I placed  
17 on the record in committee also.

18 MR. ORR: Okay.

19 BOARD CHAIR MARIN: All right.

20 MR. ORR: Okay. The project is projected to  
21 increase diversion of post consumer waste tires from the  
22 landfill by 12,000 tons annually.

23 The project is located within the Merced County  
24 regional market development zone.

25 The facility was reinspected on December 1st,

1 and is in full compliance.

2 And based on that, staff recommends that the  
3 Board approve option one and adopt Resolution number  
4 2005-332 to approve the RMDZ loan to Golden By Products,  
5 Inc. in the amount of \$880,000.

6 BOARD CHAIR MARIN: Okay. Thank you, Mr. Orr.  
7 Is there any discussion on this item?

8 BOARD MEMBER PEACE: If there isn't any  
9 discussion, I'd like to move Resolution number 2005-332.

10 COMMITTEE MEMBER MULE: Second.

11 BOARD CHAIR MARIN: Moved by Ms. Peace and  
12 second by Ms. Mule.

13 Call the roll, please.

14 BOARD SECRETARY BAKULICH: Mule?

15 BOARD MEMBER MULE: Aye.

16 BOARD SECRETARY BAKULICH: Peace?

17 BOARD MEMBER PEACE: Aye.

18 BOARD SECRETARY BAKULICH: Petersen?

19 BOARD MEMBER PETERSEN: Aye.

20 BOARD SECRETARY BAKULICH: Marin?

21 BOARD CHAIR MARIN: Aye. Washington  
22 abstains.

23 BOARD SECRETARY BAKULICH: Washington abstains.

24 BOARD CHAIR MARIN: Okay. That leads us to  
25 item number seventeen.

1 MR. ORR: Thank you, Madam Chair. Item --  
2 agenda item 17, consideration of the Recycling Market  
3 Development Revolving Loan Program application for North  
4 SLO County Recycling, Inc., dba North County Recycling.

5 This agenda items presents for consideration,  
6 the North SLO Recycling, Inc. dba North County Recycling  
7 application to the RMDZ revolving loan program.

8 This application request was for \$225,000 to  
9 finance the purchase of equipment.

10 The project is projected to increase diversion  
11 of post consumer wood, sheetrock, green waste, and C&D  
12 material from the landfill by 20,000 tons annually over  
13 the next three years.

14 The project is located in Paso Robles,  
15 California within the central coast recycling market  
16 development zone.

17 To clarify, for the record, the recycling --  
18 this facility operates under a registration permit and  
19 an enforcement agency notification, and the operator is  
20 in full compliance with the permit conditions.

21 With that stated, staff recommends that the  
22 Board approve option one and adopt Resolution number  
23 2005-333 to approve the RMDZ loan to Sierra -- wait a  
24 second -- yeah, Sierra Pacific Packaging -- I don't  
25 think so -- North, that would be North SLO County

1 Recycling in the amount of \$225,000.

2 BOARD CHAIR MARIN: Okay, Mr. Orr. Are there

3 any further questions on this item?

4 BOARD MEMBER PEACE: I'd like to move

5 Resolution 2005-333.

6 BOARD CHAIR MARIN: Second?

7 COMMITTEE MEMBER MULE: Second.

8 BOARD CHAIR MARIN: Moved by Ms. Peace and

9 second by Ms. Mule.

10 Please call the roll.

11 BOARD SECRETARY BAKULICH: Mule?

12 BOARD MEMBER MULE: Aye.

13 BOARD SECRETARY BAKULICH: Peace?

14 BOARD MEMBER PEACE: Aye.

15 BOARD SECRETARY BAKULICH: Petersen?

16 BOARD MEMBER PETERSEN: Aye.

17 BOARD SECRETARY BAKULICH: Washington?

18 BOARD MEMBER WASHINGTON: Aye.

19 BOARD SECRETARY BAKULICH: Marin?

20 BOARD CHAIR MARIN: Aye.

21 BOARD CHAIR MARIN: I have something in my

22 eye. I'm not crying for these items, but something is

23 really bothering me. Oh, it's tears of joy.

24 Thank you.

25 I know that we've been doing all of these loans

1 with our market development. How's our loan -- and I  
2 know that it's not for discussion, but are we pretty  
3 much in line to spend all this -- not to spend, but to  
4 make all the loans that -- we're okay?

5 MR. ORR: Well, yes, we are. Just in terms of  
6 the loans, the status report on that. In terms of  
7 available loan funds to date -- well, up until these  
8 actions today the Board had approved 7.4 million in RMDZ  
9 loans, of which 2.6 million had been funded based on  
10 that approval.

11 Today the Board considered the three additional  
12 loans, and that would leave, I believe, twelve million  
13 in the RMDZ subaccount for new loan applications based  
14 on the previous loan.

15 BOARD CHAIR MARIN: And we are considering many  
16 other loans, right?

17 MR. LA TANNER: Jim La Tanner, supervisor for  
18 the RMDZ loan program.

19 Yes, we've also got one application for  
20 January, and several other in the works.

21 BOARD CHAIR MARIN: Good.

22 MR. LA TANNER: I would also note that on  
23 December 15th we're scheduled to receive the second  
24 installment of the bulk loan sale of over ten million  
25 also into the kitty.

1           BOARD CHAIR MARIN: Okay. Just work to get  
2 this money out there, you know. Let's find this  
3 wonderful companies that will help us in our  
4 infrastructure to do more recycling.

5           Thank you. Thank you, Jim. Thank you, Bill.  
6 Any further comments on this item?

7           Okay. Next item, the item number twenty, the  
8 update to the state and local agencies recycled content  
9 materials marketing program.

10          Mr. Myers.

11          MR. MYERS: Thank you, Chair Marin, Board  
12 Members. Jon Myers, Office of Public Affairs.

13          Item twenty is an update to the state and local  
14 agencies recycled content materials marketing program,  
15 affectionately known as the Ogilvy contract for those of  
16 you following along.

17          This item first came before the Board in April  
18 of this year when the Board was asked to approve a  
19 contract for services to support the work of the Board  
20 staff promoting the increased use of -- use of products  
21 derived from materials diverted from the California  
22 waste stream, primarily rubberized asphalt concrete, and  
23 other rubber based civil engineering products, compost  
24 and mulch products, and recycled aggregate.

25          As you are aware, a contract was awarded to

1 Ogilvy PR to develop and conduct a systematic marketing  
2 effort directed at state and local decisionmakers.

3 It has been determined that this contract is  
4 essential to achieving the Board's vision of a zero  
5 waste California.

6 According to the waste characterization -- the  
7 most recent waste characterization study, more than 50  
8 percent of the California waste stream disposed of in  
9 2003 was either organics or construction demolition  
10 material.

11 Improving market demand for products derived  
12 from these primary components of the waste stream  
13 remains a top priority for the Board.

14 Ogilvy has begun -- began working only months  
15 ago to start gathering data on local jurisdictions,  
16 their knowledge and understanding of the materials  
17 mentioned.

18 Here today we had thought we would put a face  
19 with the name and, you know, we hear the name Ogilvy  
20 mentioned in quite a few other presentations as it's  
21 become a large part of what we're doing in the promotion  
22 of recycled materials.

23 So here today is Beverly Kennedy from Ogilvy PR  
24 to give you an update on their work.

25 MS. KENNEDY: Thanks, Jon. Madam Chair, Board

1 members, thank you for inviting me to be here today.

2 I want to begin by giving you just a brief  
3 overview of the campaign that we've put together, so you  
4 have kind of a foundation, and then provide you with a  
5 status update on the activities that have been conducted  
6 to date, and what we have planned for early 2006.

7 So when we were first awarded the contract,  
8 obviously the goal, as Jon mentioned, was to go ahead  
9 and help reduce the amount of overage out there.

10 Basically go ahead and recycle specific materials. The  
11 materials that we're looking at with our contract are  
12 organics, rubberized asphalt concrete, and recycled  
13 aggregate concretes. And those are the three that we're  
14 going to be focusing on.

15 From a communications standpoint, obviously  
16 what we need to do is increase understanding, awareness  
17 of, and then a commitment to go ahead and get these, you  
18 know, specific recycled content materials, educating the  
19 decisionmakers, whether it's at the local level or the  
20 state level. So that's the communication goal that's  
21 the framework.

22 There are a couple of different strategies or  
23 approaches that we wanted to go ahead and utilize, and  
24 we're going to go over these very briefly. And again,  
25 if there are questions at the end of the presentation or



1 during, please feel free to go ahead and ask.

2 When looking at this and looking at, you know,  
3 the goals that you want to go ahead and achieve, four  
4 key things that we think will help you achieve this.

5 First of all, this has been done throughout the  
6 state in certain jurisdictions successfully. We need to  
7 go ahead and tap into those jurisdictions and use those  
8 leaders in those communities to be our third party  
9 allies. So that's one of the first approaches and  
10 strategies we're going to tap into.

11 Second of all, whenever you're doing any type  
12 of communication program and you're trying to get people  
13 to be aware of something, maybe change their perception,  
14 actually take action is what you're ultimately looking  
15 at them to do, you need to go ahead, and you usually  
16 have an incentive or a deterrent.

17 In this case obviously we want to have things  
18 be more positive in nature, and what we want to  
19 emphasize is the key benefits of using some of these key  
20 recycled materials. So we're going to emphasize that  
21 throughout.

22 Third -- and this is crucial. We need to go  
23 ahead and do an integrated communication plan. One  
24 communication mechanism is not going to be the one that  
25 is going to hammer this home. Our target audiences, the

1 decisionmakers, are going to need to see this message  
2 over and over and over again, and have various  
3 communication channels coming towards them.

4 I'll be talking a little bit later on about our  
5 primary one which is going to be meetings. We're going  
6 to sit down and meet with these individuals one on one  
7 or in small groups. But in addition to these meetings,  
8 we need to make sure that they see the message on a  
9 regular basis, and are exposed to them through other  
10 means. And I'll be talking about that in a moment.

11 And lastly, we need to do a tiered approach.  
12 As you're quite well aware, California is a huge state.  
13 We cannot saturate it with the given budget and  
14 timeframe. So we need to tier our approach. We've  
15 worked with the program managers to do that. And based  
16 on the successes and the lessons learned, we can go  
17 ahead and expand out from there.

18 So those are the four strategies. With regards  
19 to what are we actually going to do from a technical  
20 standpoint is, you can see before you we have a list of  
21 different activities.

22 The first five that are on here, we are hoping  
23 to have those completed by early 2006. We're talking by  
24 the end of January, maybe early February.

25 I'm going to be going over the research, the

1 jurisdiction, the project inventory, and some of the  
2 marketing, and some additional slides. But just to kind  
3 of set the stage for that, with any communication  
4 program, especially for this one, we wanted to make sure  
5 that everything we are doing is steeped in research,  
6 that we're not guessing, that we are actually going out  
7 and talking to the people that we're trying to  
8 influence. So I'll go into research a little bit later  
9 on.

10           And obviously we need to monitor this. We need  
11 to know where we stand today, what is the historical  
12 standpoint from these jurisdictions that we're going to  
13 be targeting so we can actually watch the needle move.  
14 That's going to be really, really important for us to  
15 monitor the results.

16           One of the key components once we finalize the  
17 research and have basically established a baseline of  
18 where we are with usage rates, where we want to go,  
19 we'll be developing the marketing materials. Again,  
20 I'll have further slides on that in a moment.

21           And then actually beginning what we're calling  
22 the implementation phase which will occur in early  
23 2006. Going out and meeting with the key  
24 decisionmakers, again at the local and state level, and  
25 developing some other ways to reach them. That includes

1 website development, putting a special section  
2 potentially on your website, and then also doing  
3 advertising and media relations. So again, they are  
4 exposed to the message on a regular basis.

5 And obviously, finally, and there will be a  
6 slide about this, measurement evaluation. We know we  
7 need to be held accountable, we know you want to see the  
8 results, and we're prepared to provide that on a regular  
9 basis.

10 Okay. So what have we done to date? Research.  
11 There's three methodologies that we've employed.

12 The very first one was for us to participate in  
13 the recent league meeting that was held in San  
14 Francisco. I know that some of you attended that. This  
15 was an opportunity for us to interact with some of our  
16 target audiences in a very casual and informal  
17 atmosphere, and talk to them for about five to seven  
18 minutes on, you know, what are your challenges for using  
19 some of these materials? What are some of the barriers,  
20 or why do you use them? And expose them to some of our  
21 creative materials.

22 We conducted 104 interviews at the conference,  
23 which we think was wonderful. We garnered some great  
24 feedback. And we're basically holding onto that  
25 feedback until we do our two other research

1 methodologies, which include in-depth one on one  
2 interviews with approximately 35 targeted individuals.

3           We realize with the group that we're targeting,  
4 doing focus groups, or standard focus groups will  
5 probably be difficult because you're probably not going  
6 to get a roomful of mayors to give us two hours of their  
7 time, unfortunately.

8           So what we're doing is talking to people for  
9 about twenty minutes to a half an hour, and really  
10 exploring this topic with them and garnering information  
11 from that.

12           As of to date, and that number 60 percent just  
13 got updated this morning because I talked to our  
14 research firm Charleton, we're at about 75 percent  
15 completion on the one to one interviews. So we're  
16 making progress on that.

17           And lastly, from more of a quantitative  
18 standpoint, we're going to go ahead and launch an  
19 internet survey this week, and we're going to go ahead  
20 and reach out to four hundred individuals on the target  
21 list, and again find out more information; why are you  
22 using these materials? What, you know is your  
23 perception? What are the challenges? What are the  
24 barriers? We're used some key messages.

25           Through all methodologies we're also testing

1 some of our creative concepts that we've developed, so  
2 we'll be garnering feedback and input on those as well.

3 Obviously the next steps is to finish this up.  
4 Then our goal is to get all this wrapped up by the end  
5 of December, mid-January to get our final presentation  
6 report, recommendation, and provide it to the Board.

7 Based on the research findings, we'll be coming  
8 back, and the strategies I just talked about, and the  
9 list of tactics, those may change. We believe in the  
10 foundation, but based on what the research says we may  
11 come back to you and say, you know what, what we're  
12 hearing people say is X, therefore we're making this  
13 additional recommendation to you.

14 The jurisdictions and the project inventory.  
15 This is a cornerstone of the program. We need to know  
16 where we're starting from so we can actually monitor the  
17 progress. So we were able to work with basically  
18 program staff and identify jurisdictions we wanted to  
19 target for the three different items.

20 So there's a list that we did for the organics,  
21 and there is another list that we've developed for the  
22 rubberized asphalt, and the recycled aggregates.

23 We have put together a very detailed project  
24 matrix, and we're in the process of making phone calls  
25 to the contacts within each of those jurisdictions to

1 gather information.

2 And I'm going to skip to the next slide and  
3 show you the type of data that we're gathering. The  
4 project info matrix itself is very complicated so we  
5 decided not to actually put that on there, you'd  
6 probably go blind trying to look at it.

7 Obviously the jurisdiction. The location. You  
8 know, what was their budget prior to 2006? What was  
9 usage rates? What's their budget for this upcoming  
10 year? What's their schedule for usage rates? You know,  
11 depending on if it's rubberized asphalt concrete,  
12 etcetera. Amount, weight, tonnage, contact information,  
13 and any key notes that are going to be taking place.

14 So that's the basis. There's additional  
15 information that we can garner if the Board would like  
16 to request. We're obviously going back and forth and  
17 having several phone calls going back and forth with the  
18 contacts, and sending E-mails. Our goal for the  
19 completion date on this is January 13th to have, again,  
20 kind of the baseline information established. And then  
21 we'd be looking to provide updates on a regular basis  
22 after we have a chance to go out and have the meetings  
23 with the decisionmakers. So that will be getting  
24 updated on a regular basis.

25 From a creative standpoint we have developed

1 two different concepts. And again, these are being  
2 tested through all the different research methodologies  
3 that we're currently implementing.

4           The concepts apply to three different materials  
5 just from a testing standpoint. This does not mean that  
6 these are the only materials we'll be developing. And,  
7 in fact, based on the research we may say direct mail,  
8 no one wants to receive direct mail, we recommend not  
9 implementing it. So again, this was just from a  
10 creative spec standpoint.

11           So we have developed those. Again, we're  
12 testing them right now. Once we have all the feedback  
13 that has been garnered, we will go ahead and make a  
14 recommendation on which concept we should use. Usually  
15 there's going to be some finetuning, edits to the copy,  
16 and then they'll actually be applied to all the  
17 marketing materials that we'll be using for this  
18 campaign.

19           And one of the things that's obviously going to  
20 be very important for this is we want to go ahead and  
21 have all the materials look consistent, be recognizable,  
22 be branded. So that's one of the next steps that we'll  
23 be implementing for the creative materials.

24           On the next slide you're going to actually see  
25 two of them. Again, this is a sample print



1 advertisement. And I think a few of you have seen these  
2 when you actually attended the league conference. So  
3 that's two of the materials right there.

4 Okay. So what are the next steps? We're on  
5 the fast track here. Obviously, as I mentioned earlier,  
6 we need to get all the research completed. We're in the  
7 home stretch with that. And that survey will be  
8 launching actually this week.

9 The goal, again, is to get everything wrapped  
10 up by January, be able to make some presentations to Jon  
11 and his staff, the Board, and be able to apply those  
12 research findings to our actual implementation.

13 Project inventory ongoing. We'll have our  
14 baseline material and information data gathered. We'll  
15 update that on a regular basis, either monthly or  
16 quarterly, depending on how often we have the meetings.

17 Creative elements, get those designed and get  
18 those out there. Our goal from a timing perspective  
19 would be to actually start the meetings in probably late  
20 February, early March. Obviously all the marketing  
21 materials will be completed at that point in time  
22 because we'll need to have them to go out with us.

23 We've mentioned, and I think it was on some of  
24 the earlier slides, but just real quickly with regards  
25 to the collaboration with the key stakeholders. We do

1 realize that we're out working by ourselves, and there's  
2 a lot of people we need to be working with.

3           We've had a meeting with the league already,  
4 with RCRC, with CSAC. We have one that's going to get  
5 scheduled with Map Tech. So we are in touch with those  
6 individuals. We're keeping them apprised. We realize  
7 there needs to be collaboration, and obviously some of  
8 them have been very helpful so far and have provided us  
9 with mailing lists and databases and email lists. So we  
10 are in the process of doing that and we will continue to  
11 have regular meetings with them.

12           And then obviously providing regular updates  
13 and meetings with the CIWMB, and keeping everybody  
14 apprised of our activities.

15           From a measuring results standpoint. At the  
16 end of the day when this contract comes to a conclusion  
17 towards the end of 2006, how are we going to determine  
18 success?

19           Obviously one of the key outcomes will be the,  
20 you know, what happened at those meetings with the  
21 decisionmakers. Were we able to take somebody who maybe  
22 had no plans to use any of the recycled content  
23 materials, to actually do a commitment and to use them?  
24 The project inventory matrix will actually show that,  
25 that's how we're going to collect the data. And those

1 are going to be your two key outcomes.

2 From more of an output standpoint. You're  
3 going to actually -- we'll do an assessment of the  
4 amount of materials that were distributed. Again it's  
5 not a true outcome, but it contributes to your outcome.

6 And then media content analysis. If we do  
7 advertising, what was the reach? What were the  
8 impressions in return to your investment? You know,  
9 media relations articles that are placed, same type of  
10 thing. Again, not a true outcome, but it helps you to  
11 get to your outcome.

12 And then website hits. We actually put a  
13 special section on your site, how many hits and how many  
14 downloads were on that part of it.

15 So that concludes my presentation. Are there  
16 any questions?

17 BOARD CHAIR MARIN: That was a wonderful  
18 presentation. I have a -- not questions, but I have  
19 some comments.

20 MS. KENNEDY: Okay.

21 BOARD CHAIR MARIN: You know, this Board  
22 decided a year ago that we really needed to focus our  
23 efforts in the RAC and the civil engineering and so  
24 forth. And we were so enthusiastic about it that we did  
25 an incredible thing, we granted a lot of grants to a lot

1 of people. There's a lot of emphasis in this.

2 I am just concerned that if we really do not  
3 coordinate this effort, all these efforts, all these  
4 individual efforts from Map Tech and RAC and the RAC  
5 centers and you guys, and we do individually at the  
6 Board and at the league, that we may have mayors and  
7 councilmembers exhausted with all the communication that  
8 will be coming from all different sources. And I don't  
9 want to get them to that level.

10 I want them to welcome us because we're going  
11 to give them monies and tools and resources to do that.  
12 But I'm just concerned -- and we've expressed this  
13 concern, I know, every time that we have granted the  
14 different grants.

15 And so I'm looking at you, but I'm really  
16 directing to Mr. Myers to make sure that all of those  
17 components come together, and we do not exhaust the same  
18 target group, you know, over and over again.

19 And so, I know our program staff has done an  
20 incredible job, we do have relationships with them, with  
21 all the mayors and councilmembers and so forth, but then  
22 we do have the RAC centers and so forth.

23 So I just want to overemphasize that we need to  
24 be cautious.

25 MR. MYERS: And that probably can't be

1 overemphasized enough. And we take that to heart as  
2 well. And with all of our discussions with Ogilvy,  
3 we've been working hard trying to work with Jim and his  
4 staff, the contracts that Nate has out as far as our RAC  
5 specialists go working with the L.A. RAC centers.

6           So, you know, it's one of the things I was  
7 going to comment on as well on the conclusion of  
8 Beverly's presentation here is that this contract has  
9 really demonstrated what we should be trying to achieve  
10 in future contracts of this nature.

11           Because this was something where we're pulling  
12 in staff from our tire division, our C&D, as well as  
13 organics, and there's been a great collaboration so  
14 far. We've gotten everyone together at the same table,  
15 and Ogilvy's done a great job at kind of tying a lasso  
16 around all of that and making it happen.

17           A lot of, you know, the different divisions are  
18 looking at doing separate surveys. We've been able to  
19 corral them.

20           BOARD CHAIR MARIN: Right. Good.

21           MR. MYERS: Chris Peck has been incredible in  
22 trying to help get everyone together and getting the  
23 surveys so that we're not inundating elected officials  
24 with one survey after another after another.

25           BOARD CHAIR MARIN: Yes, right.

1 MR. MYERS: So we are taking that seriously.

2 BOARD CHAIR MARIN: Yeah, I really appreciate  
3 that. And one more thing that I'd like to say. I know  
4 this is not really part of this contract, but I think  
5 that having this contract out there has really brought  
6 to light the fact that we have a -- how do you call it,  
7 a smorgerboard?

8 MR. MYERS: A smorgasbord, yes.

9 BOARD CHAIR MARIN: Whatever, I don't know how  
10 you say that in Spanish, but -- of messages that our  
11 individual programs and divisions have sent out and, you  
12 know, it's -- I think it's really, really important that  
13 all of that comes together. You know, so we need to be  
14 sending one message, and one message alone.

15 We have very creative people that have gone out  
16 there and done incredible things at the individual  
17 programs, but it has been at the expense of a unified  
18 voice. And I think that we need to really rein in on  
19 that.

20 I think you were going to say something about  
21 that?

22 MR. MYERS: I am. Actually I am because you  
23 just had the perfect segueway for the second part of  
24 this presentation.

25 BOARD CHAIR MARIN: Okay, don't -- Ms. Mule

1 wanted to say something, and I don't know if anybody  
2 else wanted to say something.

3 COMMITTEE MEMBER MULE: Madam Chair, I just  
4 wanted to make a brief comment. I really appreciate  
5 what you're saying because I've been saying it all along  
6 too. We've got all these different messages out there,  
7 and we've -- really, I think, that was the genesis for  
8 this whole contract, that's how we came to approve this  
9 contract.

10 And I just want to say, you know, Ogilvy's work  
11 so far I am impressed with. I was at League of Cities  
12 with your staff, they did a great job. Was it Rachel  
13 who was on the RAC-n-Roll tour with us?

14 BOARD CHAIR MARIN: Rachel, yes.

15 COMMITTEE MEMBER MULE: I mean you're in there,  
16 you're really trying to understand our audience, and  
17 what we're trying to do, and so I really do appreciate  
18 all of your work thus far.

19 And really, again, what we're trying to do is  
20 that we're just trying to send out a unified message and  
21 brand our organization.

22 And I know Mr. Petersen's also very interested  
23 in that.

24 And so, Jon, good work so far, and just keep it  
25 going. Thank you.

1           BOARD MEMBER PETERSEN: Madam Chair, thank  
2 you. Jon, good job. Chris, okay. Here we go. I'm  
3 excited about this, I want to get involved in this.  
4 Thanks.

5           BOARD CHAIR MARIN: Okay. Jon.

6           MR. MYERS: Like I said, part two of this  
7 presentation. And let me -- perfect segueway, as I  
8 said. Yeah, I've been working -- the last year and a  
9 half I've had the direction to -- the directive, I  
10 guess, to put a lasso around our message to try to  
11 create that consistent message. And I've been  
12 concentrating on the -- I guess the written message, the  
13 verbal message. And it wasn't until we started working  
14 with Ogilvy that I really got to take a hard look at our  
15 visual message as well.

16           In one of the meetings with Ogilvy they asked  
17 us, as you saw, one of the tactics that they are going  
18 to be doing with us, for us, is producing materials,  
19 outreach materials. So they had asked us to come on  
20 over and show us a demonstration of our look and feel so  
21 that they can imitate that so they capture the look and  
22 feel of the Board.

23           We went over with several items, and I've laid  
24 out some materials at each of your stations there. I  
25 hope I didn't hide them too well. And this is kind of



1 some of the items that we brought over. And it was  
2 discovered that we really had an inconsistency in the  
3 look and feel of what we produce as far as materials go.

4 A lot of that has to do with we contract out  
5 for a lot of materials, a lot of outreach things. And  
6 we haven't been, I guess, for lack of better words,  
7 holding people's feet to the fire in using our  
8 standards.

9 One of the things that Ogilvy is known to do is  
10 they have -- and actually Ogilvy was founded on their  
11 ability and understanding of branding and being able to  
12 produce that kind of consistency. We started working  
13 with them on how we can do that for the Board. How we  
14 can -- in this effort, while they're producing materials  
15 for us, go ahead and start working on creating that  
16 overall consistent look and feel.

17 In doing the research I started taking a look  
18 back on, you know, where we might have strayed, where we  
19 started coming up with all the different items.

20 Actually before I even get to that I want you  
21 to take a quick look on your screens at some of the  
22 different items so that the audience can see. We have  
23 many different things out there, and it's hard to read  
24 on the screen, but some have logos on it, some are using  
25 our zero waste message, some, you know, have a different

1 logo that has different names on it. So there really  
2 just is an across the board inconsistency.

3           Some of our exhibit displays present the same  
4 issues, you know. They're beautiful displays. I mean  
5 we have some beautiful graphics out there. As the chair  
6 said, we have some very talented and creative people on  
7 staff that are producing this. But now it's time to tie  
8 the lasso around it and get the consistency.

9           So as I said, you know, we were looking at  
10 where we strayed, and I discovered the -- in 2003, in  
11 the communications plan that was presented to the Board,  
12 there was an item that came up. And I think member  
13 Peace actually brought this to my attention. That the  
14 Board had taken a position to look at our logo.

15           As part of the presentation of the 2003  
16 communications workshop, there was a marketing  
17 consultant, Maryann Ellis, who kind of stated that the  
18 current logo, while identifiable as a state entity, is,  
19 and I quote,

20                   "Unclear, and could be any state  
21                   agency with no picture of what we do or  
22                   who we are. It looks like it's  
23                   dividing the state, and the green is  
24                   buried with no idea what the letters  
25                   CIWMB means. It's static and not

1           inspirational and needs updating."

2           This was 2003, and the Board has been looking  
3 to do this ever since. So I think this was a  
4 long-winded way for me to ask the Board for some  
5 direction and whether we need to pursue a logo change  
6 where we're working with Ogilvy, working with our very  
7 own creative graphics department, and present back to  
8 you with some new logo ideas, as well as standards on  
9 use of that logo, and new standards for how we have the  
10 look and feel of this Board.

11           BOARD CHAIR MARIN: Let me just give you some  
12 ideas myself. I think that from Gary Petersen's  
13 knowledge, recycling somewhere somehow needs to be  
14 there.

15           From Rosalie, I think, a truck, a trash truck  
16 needs to be there.

17           Somewhere if you can incorporate monies from my  
18 end, with a dollar sign in it.

19           From Mr. Washington, somewhere about the law,  
20 because he might be a Senator.

21           And from Ms. Peace, you know, somewhere in  
22 there about a C&D ordinance requirement.

23           MR. MYERS: That's a lot to fit into a logo.

24           BOARD CHAIR MARIN: Oh, okay, forget my  
25 creative ideas then.

1           For your information, this was a joke. And so  
2 I don't want somebody to be calling me later on and  
3 saying, "Can I say that? Can I do that?" It was a  
4 joke, all of that. Take that. Okay.

5           MR. MYERS: With your permission then we'll  
6 move forward and start taking a look at some creative  
7 ideas.

8           BOARD CHAIR MARIN: Yeah.

9           BOARD MEMBER PEACE: Developing a new logo that  
10 better says who we are and having a consistent message,  
11 a consistent feel is something I've pushed since the day  
12 I came to the Board. So I just am so excited to think I  
13 might actually see something before I leave.

14          So thank you, Jon.

15          BOARD CHAIR MARIN: Thank you.

16          BOARD MEMBER PETERSEN: Madam Chair, can we  
17 change the Board's name too?

18          BOARD CHAIR MARIN: The Petersen Board? No.

19          BOARD MEMBER PETERSEN: No, no, no, no. I --  
20 we can do that through statute, right, if we wanted to  
21 do it?

22          BOARD CHAIR MARIN: That can be. We have --

23          BOARD MEMBER PETERSEN: We'll go to Carl.  
24 Carl.

25          BOARD CHAIR MARIN: Change the Board, please --

1 change the name of the Board.

2 BOARD MEMBER WASHINGTON: I'll just change the  
3 name, not the Board.

4 BOARD MEMBER PETERSEN: Just change the name.  
5 Don't change the Board, just change the name.

6 BOARD CHAIR MARIN: Yeah.

7 BOARD MEMBER PETERSEN: Carl's going to help  
8 us.

9 BOARD CHAIR MARIN: Yeah.

10 BOARD MEMBER PETERSEN: Okay. All right.

11 BOARD CHAIR MARIN: All right. Okay. You have  
12 your direction.

13 MR. MYERS: That concludes our report then.

14 BOARD CHAIR MARIN: Thank you. We do have a  
15 closed session, Ms. Carter?

16 CHIEF LEGAL COUNSEL CARTER: We do, but we have  
17 one more agenda item.

18 BOARD CHAIR MARIN: Elliot. Oh my, God. Mr.  
19 Elliot, Consideration of the 2006 Annual Rulemaking  
20 Calendar.

21 LEGAL COUNSEL BLOCK: Elliot Block for the  
22 legal office. Here I am, last on the agenda once again.

23 BOARD CHAIR MARIN: Do you purposely -- do you  
24 ask to be -- is this something --

25 LEGAL COUNSEL BLOCK: I'm in a hurry to go

1 somewhere, in this case lunch.

2 BOARD CHAIR MARIN: Do you have to have the  
3 last word, Mr. Elliot?

4 LEGAL COUNSEL BLOCK: Just luck of the draw. I  
5 certainly don't get the last word at home, so --

6 BOARD CHAIR MARIN: It might as well be here.  
7 Okay.

8 LEGAL COUNSEL BLOCK: I'm going to make this  
9 very brief and quick, but obviously if you have any  
10 questions about either the process or any of the  
11 underlying items on the rulemaking calendar, please stop  
12 and ask me some questions.

13 Just very briefly. Before you, as was  
14 mentioned, this is a request, consideration of approving  
15 the 2006 Annual Rulemaking Calendar. It's something  
16 we're required to do annually under statute and an  
17 executive order, list the regulations to be developed  
18 and adopted in the coming year. At least theoretically  
19 the regulations that we will adopt in the coming year.  
20 As you know, a lot of times they roll over to the next  
21 year after that. And the list is compiled with input  
22 from regulations coordinators from the different  
23 divisions around the Board.

24 Unfortunately, today I have to -- as you may  
25 have noticed, there's actually been two revisions to

1 this item. And it's been corrected on BODS. One sheet  
2 of paper that you should have in front of you is  
3 actually just the last page of the second revision to  
4 the calendar.

5           The first revision was simply to delete the  
6 MOLO training regulations that was on the calendar from  
7 last year. And as you know, in item number six from  
8 earlier today, you officially decided that we were not  
9 going to do those regulations for now. But they were  
10 originally -- since I had to write the item prior to  
11 your hearing that, I left it on until you actually made  
12 the decision.

13           And then the second revision is the extra sheet  
14 that I've handed you. It was pointed out by Board  
15 member Peace that we had inadvertently left off,  
16 amazingly enough, the comprehensive trip log  
17 regulations. And that's actually -- I realized was a  
18 function of the fact that we started those as emergency  
19 regulations last year, so it actually wasn't on last  
20 year's calendar. So I appreciate the fact that we've  
21 now got it on the calendar for next year.

22           My understanding, those are pretty close to  
23 going out for formal notice, and so should be happening  
24 in this coming year.

25           That being said, you've got seventeen

1 rulemaking packages on the calendar. Ten are carried  
2 over from last year, seven are new. In addition to the  
3 comprehensive trip log regulations, the other six are  
4 listed on page three of the item.

5           Very briefly, these are usually important  
6 questions that get asked every year. The Board is not  
7 bound by any projected dates that are in those. Those  
8 are just estimates.

9           We can add new regulation packages that may  
10 come up in the coming year if they were not reasonably  
11 anticipated, and the comprehensive trip log regulations  
12 is an example of those.

13           Emergency regulations do not need to be  
14 listed. And as I mentioned, we have had a couple of  
15 times over the past few years had to add some in the  
16 process.

17           So really what it is is just sort of a list of  
18 this is what we think we're going to be working on next  
19 year for people around the state to have a sense of the  
20 regulations we're going to do, but it's not intended to  
21 be a barrier should new issues comes up.

22           And with that, unless you have any questions, I  
23 request that you approve the calendar.

24           BOARD CHAIR MARIN: Ms. Mule.

25           COMMITTEE MEMBER MULE: Thank you, Madam



1 Chair. There are several of these.

2 And Howard, I'm just going to ask you in one or  
3 two sentences briefly, just describe the new or revised  
4 regulations with minimum standards for permanent  
5 requirements for facilities and operations handling and  
6 disposing of compostable materials, phase two. If you  
7 could just briefly describe that one? It's on page  
8 three of the attachment.

9 MR. LEVENSON: Of the attachment?

10 COMMITTEE MEMBER MULE: Yeah, of the  
11 attachment.

12 MR. LEVENSON: We haven't -- this was the  
13 compostable one?

14 BOARD MEMBER MULE: Yeah.

15 MR. LEVENSON: I actually thought you were  
16 going somewhere else.

17 We have had that on the list for a number of  
18 years. There are several issues related to composting.  
19 One of the issues came up in Senator Flores' hearing  
20 last year on what's the level of contamination and the  
21 definition of material.

22 There's other issues that are related to the  
23 definition of anaerobic digestion.

24 Whether -- if the U.S. EPA changes some of its  
25 metal standards, whether we would have to change ours.

1           So we've kept this -- these haven't risen up to  
2   the level where we're ready to really do anything yet,  
3   but we've kept it on the docket in case we do need to  
4   move on that at one time.

5           It's, in my mind, lower in priority than some  
6   of the other packages in the Permitting and Enforcement  
7   Division.

8           COMMITTEE MEMBER MULE:   Okay.   And then the  
9   next item, revised regulations to clarify solid waste  
10  facility permitting requirements in 14 CCR and 27 CCR.

11          MR. LEVENSON:   These are -- would be related  
12  to -- as you know, we have the current rulemaking on the  
13  permit implementation regulations in AB 1497.   If you  
14  recall, when we originally came to the Board to start  
15  that, we had three different packages.   This is -- the  
16  current rulemaking that's ongoing is package A, and we  
17  had two other packages that had other permit issues  
18  related to them, and we were planning to start those  
19  this year, or at least the package B this year.

20          COMMITTEE MEMBER MULE:   And so what might this  
21  include?

22          MR. LEVENSON:   Oh, gosh.   You got me off cold  
23  on that and I have to get back to you.

24          COMMITTEE MEMBER MULE:   Okay.   Thank you.  
25  That's fine.

1           MR. LEVENSON: There's a number of -- one of  
2 'em is CEQA and its relationship to the permit process.  
3 That's the only one I can remember off the top of my  
4 head, I'm sorry.

5           BOARD MEMBER MULE: Okay.

6           BOARD CHAIR MARIN: Which one would be the one  
7 that we would be dealing with the Emergency Waivers for  
8 some of the facilities?

9           COMMITTEE MEMBER MULE: That's listed here.

10          BOARD CHAIR MARIN: Okay. I cannot seem to  
11 find it.

12          MR. LEVENSON: That's listed on item -- on page  
13 three, the top bullet, the temporary waiver of permit  
14 terms. And on the attachment -- Elliot, if you can help  
15 me out?

16          LEGAL COUNSEL BLOCK: I'm looking.

17          MR. LEVENSON: See where it is in the  
18 attachment. But we are planning to do that and to begin  
19 working on that very -- in the very near future.

20          LEGAL COUNSEL BLOCK: That would be-- it's  
21 actually page nine of the attachment.

22          BOARD CHAIR MARIN: Okay.

23          COMMITTEE MEMBER MULE: And then the next one  
24 is the next one, revision of the state minimum standards  
25 for various types of solid waste operations and

1 facilities. What might that entail?

2 MR. LEVENSON: That's just a catchall. There's  
3 nothing explicitly planned, but in case we do have to  
4 enact any changes in the permitting process, or if  
5 there's any statutes that come forth or anything that  
6 arises, we have a catchall category here.

7 COMMITTEE MEMBER MULE: Okay. And then just  
8 one more, and I believe this would be for Bill Orr.

9 On the rigid plastic packaging containers  
10 revisions to improve and clarify, are we suspending that  
11 process? Or could you give me an update? Because I  
12 thought that I had heard that we were going to suspend  
13 that process.

14 MR. ORR: Yeah. Basically this has been a  
15 placeholder on the calendar for probably three years.  
16 And based on direction, we're pursuing a legislative  
17 proposal before we resume this informal process.

18 COMMITTEE MEMBER MULE: Okay. So the current  
19 regulations that we were pursuing or -- have been  
20 suspended, correct?

21 MR. ORR: That's correct.

22 COMMITTEE MEMBER MULE: Okay. All right.  
23 Thank you. That's it, Madam Chair.

24 BOARD CHAIR MARIN: Good. Okay. Sounds good.  
25 You have your calendar then. As soon as we approve --

1 oh, Ms. Peace, I'm sorry.

2 BOARD MEMBER PEACE: I also had a question on  
3 the revised regulations for the temporary waiver of  
4 permit and the stipulated agreement.

5 The stipulated agreement that the LEA had given  
6 to Sycamore Canyon that Mr. Leary mentioned in his  
7 report this morning. This, to me, is what stipulated  
8 agreements are for, temporary and unforeseen emergency  
9 circumstances. So to me the law is very clear, it's our  
10 interpretation that is unclear.

11 So I'm just wondering do we really need to go  
12 through a formal rulemaking then to clarify this? We  
13 can't just get like an opinion from leg counsel, or this  
14 is the way we need to proceed?

15 MR. LEVENSON: We certainly can explore that  
16 more, but however there are actually two different  
17 provisions in the regulations related to waivers. One  
18 is when there's a declared state of emergency, which was  
19 the situation here with Sycamore. The other is when  
20 there's not a declared state, but there is some kind of  
21 emergency, and that's the temporary waiver with a  
22 stipulated agreement. And that's --

23 BOARD MEMBER PEACE: So you'll need to address  
24 that anyway?

25 MR. LEVENSON: Pardon?

1           BOARD MEMBER PEACE:   So you need to address  
2   that anyway?

3           MR. LEVENSON:   Our intent is to clarify the  
4   definition to make sure that it's narrowly --

5           BOARD CHAIR MARIN:   Constituted.

6           MR. LEVENSON:   -- constituted, and to clarify  
7   the Executive Director's authority.   So that would solve  
8   that problem.

9           BOARD MEMBER PEACE:   Okay.   Thank you.

10          BOARD CHAIR MARIN:   Good.   Okay.   Any further  
11   questions or comments?

12          BOARD MEMBER WASHINGTON:   Madam Chair, I'd like  
13   to move adoption of Resolution 2005-337.

14          COMMITTEE MEMBER MULE:   Second.

15          BOARD CHAIR MARIN:   Moved by Mr. Washington,  
16   seconded by Ms. Mule.

17          Call the roll, please.

18          BOARD MEMBER WASHINGTON:   Revised.

19          BOARD CHAIR MARIN:   Revised.

20          BOARD SECRETARY BAKULICH:   Mule?

21          BOARD MEMBER MULE:   Aye.

22          BOARD CHAIR MARIN:   For the thirteenth time.

23          BOARD SECRETARY BAKULICH:   Peace?

24          BOARD MEMBER PEACE:   Aye.

25          BOARD SECRETARY BAKULICH:   Petersen?

1 BOARD MEMBER PETERSEN: Aye.

2 BOARD SECRETARY BAKULICH: Washington?

3 BOARD MEMBER WASHINGTON: Aye.

4 BOARD SECRETARY BAKULICH: Marin?

5 BOARD CHAIR MARIN: Aye. Okay. Thank you.

6 Thank you, everybody. It's --

7 I always forget to ask for ex-partes. I think

8 it's fitting that I do it at the very end of the

9 meeting.

10 Is there -- Mr. Washington, do you have any

11 ex-partes?

12 BOARD MEMBER WASHINGTON: I'm up to date.

13 BOARD CHAIR MARIN: Okay. Ms. Peace?

14 BOARD MEMBER PEACE: I am and was up to date.

15 BOARD CHAIR MARIN: Good. Ms. Mule?

16 COMMITTEE MEMBER MULE: Up to date.

17 BOARD CHAIR MARIN: Mr. Petersen.

18 BOARD MEMBER PETERSEN: I am up to date.

19 BOARD CHAIR MARIN: And so am I. Thank you.

20 I forget.

21 Okay. Thank you very much, everybody. We'll

22 see you next year, hope you have wonderful holidays, and

23 God bless your family.

24 CHIEF LEGAL COUNSEL CARTER: Madam Chair.

25 BOARD CHAIR MARIN: We do have a closed session

1 that we will go into, and we will have lunch. But  
2 nothing that anybody from the public needs to stay for  
3 at the end of the meeting.

4 And why are we going into closed session?

5 CHIEF LEGAL COUNSEL CARTER: We're going in  
6 under Government Code 11126 regarding potential  
7 litigation --

8 BOARD CHAIR MARIN: Okay. Thank you so much.

9 CHIEF LEGAL COUNSEL CARTER: -- and personnel.

10 BOARD CHAIR MARIN: And personnel.

11 (Thereupon the foregoing was concluded  
12 at 12:54 p.m.)

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1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

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3 I, DORIS M. BAILEY, a Certified Shorthand  
4 Reporter and Registered Professional Reporter, in and  
5 for the State of California, do hereby certify that I am  
6 a disinterested person herein; that I reported the  
7 foregoing proceedings in shorthand writing; and  
8 thereafter caused my shorthand writing to be transcribed  
9 by computer.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said proceedings, nor  
12 in any way interested in the outcome of said  
13 proceedings.

14 IN WITNESS WHEREOF, I have hereunto set my hand  
15 as a Certified Shorthand Reporter and Registered  
16 Professional Reporter on the 27th day of December, 2005.

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